

# **Exhibit**

## **“D”**

Ruston Russell 6/1/2017

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION

GLENN KASPER

PLAINTIFF

v.

CIVIL ACTION NO. 3:15CV00613-WHB-JCG

THE BOARD OF SUPERVISORS  
OF LAUDERDALE COUNTY, MS,  
SHERIFF WILLIAM SOLLIE,  
WESLEY STEPHENS, RUSTON  
RUSSELL, JACOB MATHIS,  
ANDY MATUSZEWSKI, THE  
MISSISSIPPI HIGHWAY  
PATROL, JEROME MOORE,  
DEPUTY JUSTIN PUGH, AND  
DEPUTY DYLAN ANDERSON,  
AND OTHER UNNAMED  
INDIVIDUALS, IN THEIR  
PERSONAL AND BUSINESS  
CAPACITIES

DEFENDANTS

DEPOSITION OF RUSTON RUSSELL

Taken at the instance of the Defendants at Barry,  
Thaggard, May & Bailey, LLP, 505 Constitution  
Avenue, Meridian, Mississippi, on Thursday,  
June 1, 2017, beginning at 3:06 p.m.

NIKKI L. LLOYD, CCR #1870

Ruston Russell 6/1/2017

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1                   COURT REPORTER: Would you raise your  
2 right hand, please.

3                   Do you swear or affirm the testimony you  
4 are about to give in this cause will be the truth,  
5 the whole truth and nothing but the truth, so help  
6 you God?

7                   THE WITNESS: I do.

8                   COURT REPORTER: Thank you.

9                   RUSTON RUSSELL,  
10 having been first duly sworn, was examined and  
11 testified as follows:

12                   EXAMINATION

13 BY MR. DENSON:

14 Q. Okay. Deputy Russell, of course, you  
15 know I'm Joseph Denson representing Mr. Glenn  
16 Kasper in this matter.

17                   Have you had a deposition before?

18 A. Yes, sir.

19 Q. Okay. In what cases?

20 A. I don't recall. I had one on a civil  
21 lawsuit with Stewart Parrish and the attorneys  
22 over there by Dr. Anderson's office --

23 Q. Okay.

24 A. -- in the parking lot.

25 MR. THAGGARD: Will Simmons, Bill

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1 Hammock.

2 THE WITNESS: Right, correct.

3 Q. (By Mr. Denson) Okay. All right. As we  
4 go through this deposition, at any point in time  
5 that I give you a question that's not clear to you,  
6 just ask me to repeat it and I'll certainly do that.  
7 And if you don't and you answer, I'm assuming you  
8 are answering the question -- recall the question  
9 that I just asked.

10 A. Okay.

11 Q. And, of course, if we need a break, let  
12 me know. We'll take one. And you understand  
13 we're here for the deposition of the case -- for  
14 your testimony of the case of Glenn Kasper versus  
15 Lauderdale County Board of Supervisors?

16 A. Yes, sir.

17 Q. Now, have you talked to -- and this --  
18 this incident occurred May 25th, I believe, 2014,  
19 correct?

20 A. I --

21 Q. Is that -- May 24th?

22 A. 24th, I believe, yes, sir.

23 MR. THAGGARD: That's right.

24 Q. (By Mr. Denson) Shortly after the  
25 incident happened -- since that time, have you

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1 talked to any officers about your statements or any  
2 testimony in preparation of deposition?

3 A. No, sir.

4 Q. Other than your lawyer, have you talked  
5 to any other person in administration with  
6 Lauderdale County?

7 A. No, sir.

8 MR. THAGGARD: Are you talking about in  
9 preparation for his deposition?

10 Q. (By Mr. Denson) In preparation for your  
11 deposition is what I'm saying.

12 A. That's what I assumed.

13 Q. Okay.

14 A. Yes, sir.

15 Q. Now, I know you're -- this lawsuit  
16 involved you and some coworkers. Did you and some  
17 of your coworkers talk about the events that  
18 occurred with Mr. Kasper on May 24th, 2014,  
19 shortly after the event occurred?

20 A. Did we talk about what happened?

21 Q. Yeah.

22 A. That day?

23 Q. Correct. Did y'all discuss it?

24 A. Yes, sir, I'm sure we did.

25 Q. And when would you say that discussion

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1 took place?

2 A. That night while working on the reports.

3 Q. So was -- and where did you -- where did  
4 you do your report?

5 A. Lauderdale County Sheriff's Department.

6 Q. Was there a specific -- do you have an  
7 office where you did your report?

8 A. In the deputy's office.

9 Q. Okay. So --

10 A. It moves periodically.

11 Q. Okay. So there was -- there's a series  
12 of other computers in there where other reports  
13 can be done?

14 A. Yes, sir.

15 Q. And when you did that report, did you do  
16 it on the same night of the incident?

17 A. I don't recall. I believe so.

18 Q. Okay. And when you did your report,  
19 other officers were in that same room?

20 A. Yes, sir.

21 Q. And those were the officers who were  
22 in -- who was also involved in the incident with  
23 Mr. Kasper that occurred on May 24th, 2014?

24 A. Yes, sir.

25 Q. Now, when you say, y'all were -- I asked

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1 about discussion. Were y'all discussing in  
2 realtime as you were doing the report or after the  
3 report was done?

4 MR. THAGGARD: Object to form.

5 Q. (By Mr. Denson) Let me back up. When --  
6 when you make reference to having a discussion with  
7 your coworkers about the incident with Mr. Kasper,  
8 was that discussion before you did your report?

9 A. Afterwards.

10 Q. After you did your report.

11 Now, after you -- while you were having  
12 this discussion with the other coworkers, did you  
13 notice if the other coworkers were still typing on  
14 the computer?

15 MR. THAGGARD: Object to form.

16 Q. (By Mr. Denson) Let me -- strike that.

17 How many versions of your statement  
18 did -- did you print out before you submitted it  
19 to your supervisors? And when I say statement,  
20 I'm referring to the statement that you submitted  
21 related to the incident on May 24th, 2014.

22 A. The question is how many did I print?

23 Q. Yeah. Did you have a rough draft then a  
24 final copy?

25 A. No, sir. I printed a copy when it was

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1 finalized.

2 Q. And did you -- did you read other  
3 officers' reports?

4 A. No, sir.

5 Q. Tell me about that discussion. What  
6 was -- what statements did you make during the  
7 discussion with the other officers while the  
8 reports were being made?

9 A. I don't recall what was said while we  
10 were typing. I was typing.

11 Q. Okay. But other officers were talking  
12 to you while you were typing?

13 A. No. There was general conversation, I'm  
14 sure, in the room, not one on one.

15 Q. Okay. And the general conversation  
16 was -- was dealing with the incident with  
17 Mr. Kasper that had just taken place?

18 A. I can't testify to what may have been  
19 said three years ago.

20 Q. Okay. And have you reviewed any items  
21 in preparation for this deposition?

22 A. I reviewed my statement earlier today.

23 Q. Other than typing this statement and  
24 hitting print, have you seen it since that time?

25 A. Before now?

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1 Q. Before today, yes.  
2 A. Yes, I saw it last night.  
3 Q. Is that the only statement that you  
4 reviewed?

5 A. No, sir.

6 Q. What other statements did you review?

7 A. The -- Deputy Matuszewski's and Deputy  
8 Mathis.

9 Q. Did you review -- is there any reason  
10 you did not review Deputy Dylan Anderson's  
11 statement?

12 A. I don't recall reviewing his statement.

13 Q. Did you have a copy of Deputy Dylan  
14 Anderson's statement?

15 A. I'm sure it's in there, yes, sir.

16 Q. You said that you reviewed your  
17 statement last night. Did you review Mathis'  
18 statement and Matuszewski's statement last night  
19 as well?

20 A. Yes, sir.

21 Q. And did you review all three of those  
22 statements today?

23 A. Yes, sir.

24 Q. What year were you born?

25 A. 1977.

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1 Q. And where is that place of birth?  
2 A. Anderson Hospital.  
3 Q. What city and state?  
4 A. Meridian, Mississippi.  
5 Q. And did you grow up here?  
6 A. Mostly, yes, sir.  
7 Q. So is that Meridian High School where  
8 you graduated?  
9 A. No, sir.  
10 Q. Where did you graduate from?  
11 A. I did not.  
12 Q. Did you get a GED?  
13 A. Yes, sir.  
14 Q. What year did you receive your GED?  
15 A. I do not know.  
16 Q. Any college?  
17 A. No, sir.  
18 Q. Any certificate earned after receiving  
19 your GED?  
20 A. What type of certificate?  
21 Q. Any educational certificates outside of  
22 police training.  
23 A. No, sir.  
24 Q. And are you married?  
25 A. Yes, sir.

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1 Q. Your spouse's name?

2 A. Diane Russell.

3 Q. And the cell number that you use for  
4 your job -- you use a cell phone for your -- for  
5 your employment?

6 A. General -- mostly use my personal  
7 number.

8 Q. Okay. And what is that number?

9 A. (601)527-1621.

10 Q. And have you been issued a -- a phone by  
11 Lauderdale County to use?

12 A. Yes.

13 Q. What is that number?

14 A. I could not tell you.

15 Q. Now, this cell phone number that you  
16 just gave me, is that the same cell number you had  
17 on the date of May 24th, 2014?

18 A. Yes, sir.

19 Q. Have you ever been arrested?

20 A. No, sir.

21 Q. And when I say arrested, I mean cuffs  
22 placed on you.

23 A. Cuffs have been placed on me --

24 Q. Okay.

25 A. -- in training.

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1 Q. In training.

2 Okay. Have you ever been charged with a  
3 crime?

4 A. Other than traffic?

5 Q. Other than traffic.

6 A. No, sir.

7 Q. And how long have you been working as  
8 a -- working at Lauderdale County Sheriff's  
9 Office?

10 A. Fourteen years.

11 Q. That would put you starting at 2003?

12 A. Yes, sir.

13 Q. And where did you work before that?

14 A. Meridian Police Department.

15 Q. How long did you work at Meridian Police  
16 Department?

17 A. A year. A year.

18 Q. And the reason for your transfer?

19 MR. THAGGARD: Object to form.

20 Q. (By Mr. Denson) What was the reason for  
21 your departure from Meridian Police Department?

22 A. Just to come to work for the Sheriff's  
23 Department.

24 Q. So it was a voluntary departure?

25 A. Yes, sir.

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1 Q. Have you been suspended from any -- in  
2 your last 14 years of work, have you been  
3 suspended from duty at Lauderdale County Sheriff's  
4 Office?

5 A. No, sir.

6 Q. Have you ever been fired from Lauderdale  
7 County Sheriff's Office --

8 A. No, sir.

9 Q. -- during that time?

10 Have you received any notice of  
11 complaints -- strike that.

12 Have you received any complaints while  
13 an officer, official complaints from Lauderdale  
14 County, while an officer for the last 14 years?

15 MR. THAGGARD: Object to form.

16 Q. (By Mr. Denson) Let me repeat that --  
17 strike that.

18 Let me ask you another question: Has  
19 there been any complaints filed against you, to  
20 your knowledge, regarding abuse of authority or  
21 excessive force?

22 MR. THAGGARD: Object to form.

23 Q. (By Mr. Denson) He's -- he's just  
24 objecting. It doesn't mean you can't answer.

25 MR. THAGGARD: That's fine. You can

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1 answer to the extent that you know.

2 THE WITNESS: Oh, could you rephrase  
3 that -- I mean, state it again, please.

4 Q. (By Mr. Denson) Okay. Since you've been  
5 employed at Lauderdale County Sheriff's Office, have  
6 you received any complaints, written or verbal,  
7 related to abuse of authority or excessive force?

8 A. Yes, sir.

9 MR. THAGGARD: Object to form.

10 Q. (By Mr. Denson) Have you received -- have  
11 you ever received a -- a complaint for abuse of --  
12 of authority?

13 MR. THAGGARD: Object to form.

14 Q. (By Mr. Denson) Let me -- let me go back.  
15 In your last 14 years of working with Lauderdale  
16 County, have you received a complaint for abuse of  
17 authority?

18 MR. THAGGARD: Same objection; object to  
19 form.

20 THE WITNESS: I don't recall.

21 Q. (By Mr. Denson) Okay. What about -- do  
22 you know of any excessive force complaints filed  
23 against you while working at Lauderdale County?

24 A. No, sir.

25 Q. Do you know of any abuse of authority

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1       complaints filed against you while working at  
2       Lauderdale County Sheriff's Office?

3                    MR. THAGGARD: Object to form.

4                    THE WITNESS: No, sir.

5        Q. (By Mr. Denson) Okay. I asked you about  
6        demotions -- I'm sorry. I asked you about  
7        suspensions, but has there ever been a reason for a  
8        demotion while you have been employed at Lauderdale  
9        County Sheriff's Department?

10       A. No, sir.

11       Q. What about reprimands?

12       A. Yes.

13       Q. And do you know -- well, before we get  
14       there. How many reprimands would you say you've  
15       received in your 14 years?

16       A. One.

17       Q. And what was that reason; do you recall  
18       it?

19       A. Employees not happy.

20       Q. Employee is not?

21       A. Employees.

22       Q. Okay.

23       A. Not the public.

24       Q. So is that in your capacity as a -- as  
25       a -- are you a lieutenant?

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1 A. Lieutenant, yes, sir.

2 Q. So that was in your capacity as a  
3 lieutenant?

4 A. Yes, sir.

5 Q. And when was that reprimand?

6 A. I don't recall the date, sir.

7 Q. Do you recall the year; 2015, 2016?

8 A. I believe it was this year, the  
9 beginning of the year.

10 Q. Do you have any knowledge of an abuse of  
11 authority complaint filed against Andy  
12 Matuszewski --

13 MR. THAGGARD: Object --

14 Q. (By Mr. Denson) -- since he's been  
15 employed at Lauderdale County?

16 MR. THAGGARD: Object to form.

17 THE WITNESS: No, sir.

18 Q. (By Mr. Denson) Do you have any knowledge  
19 of an excessive force complaint issued by Lauderdale  
20 County on a Dylan Anderson?

21 MR. THAGGARD: Object to form.

22 THE WITNESS: Do I have any knowledge?

23 Q. (By Mr. Denson) Yes.

24 A. No, sir.

25 Q. Do you have any knowledge of any

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1       complaints regarding Wesley Stephens during his  
2       time that he was working at Lauderdale County?

3           A.    What type of complaints?

4           Q.    Abuse of authority.

5                   MR. THAGGARD: Object to form.

6                   THE WITNESS: I don't know about the  
7       abuse of authority.

8           Q.    (By Mr. Denson) What about excessive  
9       force?

10          A.    No, sir.

11          Q.    Do you know any -- other than Mr. Glenn  
12       Kasper here, do you know any of the members of the  
13       Kasper family?

14          A.    I do.

15          Q.    And what members do you know?

16          A.    Chris and Mark.

17          Q.    How do you know Chris Kasper?

18          A.    Initially?

19          Q.    Well, let me go back -- strike that --  
20       that last question.

21                   How long have you known Chris Kasper?

22          A.    Approximately 14 years.

23          Q.    And how did you come to know him?

24          A.    Through the Sheriff's Department.

25          Q.    Have you -- is that through an arrest?

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1 A. Yes, sir, many.

2 Q. When you say many, how many arrests  
3 would you --

4 A. I don't recall, sir.

5 Q. Over five?

6 A. Yes, sir.

7 Q. Over ten?

8 A. More than likely.

9 Q. Over 20?

10 A. I wouldn't go that far.

11 Q. And would -- would at least one of those  
12 arres- -- arrests be DUI related?

13 A. I believe so.

14 Q. Have you ever arrested Chris Kasper for  
15 any other reason other than DUI?

16 A. Yes, sir.

17 Q. And do you recall what was the basis for  
18 the other arrests?

19 A. Not in particular.

20 Q. And you said there was at least one DUI  
21 that you recall. Do you recall a second DUI  
22 arrest?

23 A. No, sir.

24 Q. And when you encountered Chris Kasper,  
25 was that a -- well, do you recall those arrests

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1 being violent or --

2 A. No, sir, never.

3 Q. -- or you having any problems?

4 A. No, sir.

5 Q. You mentioned another Kasper?

6 A. Mark.

7 Q. Mark Kasper. And how long have you  
8 known Mark Kasper?

9 A. Just about the same.

10 Q. So when you say about the same, 14  
11 years?

12 A. Yes, sir.

13 Q. And how did you come to know Mark  
14 Kasper?

15 A. Calls through the Sheriff's Department.

16 Q. Have you ever arrested Mark Kasper for a  
17 DUI related crime?

18 A. No, sir. Not that -- not that I recall.

19 Q. And when -- over the 14 years, when -- I  
20 don't -- I don't think I've gotten there. The  
21 question is this: Have you ever had to in  
22 effect -- to effect an arrest of Mark Kasper?

23 A. Have I --

24 Q. Have you ever had to arrest Mark Kasper?

25 A. Yes, sir.

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1 Q. And in arresting Mark Kasper, did you  
2 have to -- any time have to file a resistance  
3 report?

4 A. No, sir.

5 Q. And the question would be the same for  
6 Chris Kasper. During any times of your arrests  
7 to -- of Chris Kasper, did you have to file a  
8 resistance report later?

9 A. No, sir.

10 Q. Do you know any other members of the  
11 Kasper family other than Mr. Glenn Kasper sitting  
12 beside me?

13 A. Mark Kasper's wife. I'm not sure if  
14 she's still his wife or not, but the lady he was  
15 married to.

16 Q. Okay. Do you know her name?

17 A. Connie Susan Moore Kasper.

18 Q. And how long have you known Connie Susan  
19 Moore Kasper?

20 A. Approximately 14 years, I would assume.

21 Q. And have you ever had to effect an  
22 arrest of -- I'm just going to call her  
23 Ms. Kasper?

24 A. Have I ever arrested her?

25 Q. Yes, sir.

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1 A. Yes.

2 Q. Was it for a DUI related crime?

3 A. That I arrested her for?

4 Q. Yes.

5 A. No, sir.

6 Q. Do you recall what reason you had to  
7 arrest Ms. Kasper?

8 A. No, sir.

9 Q. How many times would you say you  
10 encountered Ms. Kasper as a law enforcement  
11 officer over your 14 years?

12 A. Many.

13 Q. Many would be over ten?

14 A. Yes, sir.

15 Q. Is that ten plus arrests?

16 A. From me personally?

17 Q. From you.

18 A. No, sir.

19 Q. Okay. Just ten encounters?

20 A. Yes, sir.

21 Q. Okay. And as a law enforcement officer,  
22 have you ever encountered Mr. Glenn Kasper here in  
23 your capacity as a law enforcement officer other  
24 than on May 24th, 2014?

25 A. No, sir.

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1           Q.    Chris Kasper, would you know him if you  
2   saw him?

3           A.    Yes, sir.

4           Q.    Mark Kasper, would you know him if you  
5   saw him?

6           A.    Yes, sir.

7           Q.    This is going to be my first exhibit  
8   here. That's the 4.03 Policy.

9                   Okay. What you have in your hand is  
10   what's been marked as Exhibit 1 for this  
11   deposition. It's I believe Policy No. 4 --

12          A.    .03.

13          Q.    -- .03.

14                   Okay. And that's the -- that's the  
15   checkpoint -- safety checkpoint policy for  
16   Lauderdale County, correct?

17          A.    Yes, sir.

18                   (Exhibit 1 marked for identification.)

19          Q.    (By Mr. Denson) And let me -- let me see  
20   here. I'm going to show you Page 2 of -- of this  
21   Exhibit 1. Under Examination Procedures, it  
22   identifies certain -- the specific procedures that  
23   Lauderdale County says that their deputies should  
24   use at a safety checkpoint, correct?

25          A.    Yes, sir.

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1 Q. And 1(a) under Initial Observations --  
2 first a -- and tell me if I'm wrong, but first the  
3 officer should determine if the driver had a  
4 driver's license, correct?

5 A. Yes, sir.

6 Q. And it goes 1(b), then you determine the  
7 status of the tag, correct?

8 A. Yes, sir.

9 Q. And then there's a determination whether  
10 the occupant had seatbelts?

11 A. Yes, sir.

12 Q. I believe that's 1(c).

13 Okay. And then there's secondary  
14 considerations under No. 2(a), (b) and (c),  
15 correct?

16 A. Yes, sir.

17 Q. And is -- is it your understanding that  
18 this is what Lauderdale County requires their  
19 deputies to follow every time a safety checkpoint  
20 is made?

21 A. Yes, sir.

22 Q. Now, have you -- prior to today, have  
23 you ever had a chance to see this specific  
24 document here, Policy 4.03?

25 A. Yes, sir.

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1 Q. And when was that?

2 A. I don't recall.

3 Q. Is -- is this something that you see

4 during training or --

5 A. This policy?

6 Q. -- or what?

7 A. This policy?

8 Q. Yes.

9 A. I have read this policy. I can't tell

10 you the date.

11 Q. Would you say you read it in -- the

12 revision date on the policy shows March 21st,

13 2007. Would you say you read it shortly after

14 that time?

15 A. Yes, sir.

16 Q. Okay.

17 A. And -- yes.

18 Q. Do you recall reading it at any time

19 around the date of May 4 -- 24th, 2014?

20 A. No, sir.

21 Q. Has -- do you know if Lauderdale County

22 gave you any training related to that particular

23 policy?

24 A. I don't recall.

25 Q. So is it your testimony you've never

Ruston Russell 6/1/2017

1      been trained regarding safety checkpoints?

2                    MR. THAGGARD: Object to form.

3                    THE WITNESS: The policy or conducting a  
4      checkpoint?

5                    Q. (By Mr. Denson) Conducting a safety  
6      checkpoint -- strike that question.

7                    Is it -- is it your testimony that you  
8      have not been trained by Lauderdale County on the  
9      procedure to conduct a safety checkpoint?

10                  A. I still don't understand the question.

11                  Are you talking about the policy or actually being  
12     on the road training, doing --

13                  Q. No, I'm not dealing with the policy  
14     right now.

15                  A. Okay.

16                  Q. I'm saying, is it your testimony that  
17     you have not been trained by Lauderdale County  
18     related to the procedures for a safety checkpoint?

19                  A. I've gone through the procedures, yes,  
20     sir.

21                  Q. So you've been trained by Lauderdale  
22     County?

23                  A. On the policy, yes.

24                  Q. On the policy. And who gave you that  
25     training, if you know?

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1 A. I don't recall.

2 Q. And when was that training given?

3 A. I don't recall.

4 Q. Was it given -- is it your testimony  
5 that that -- that you -- this safety checkpoint  
6 training was given after March 21st, 2007?

7 A. Yes, sir.

8 Q. Do you recall in what way it was given?

9 A. No, sir.

10 Q. Was that a mock safety checkpoint when  
11 the training was given?

12 A. To the best of my knowledge, it was  
13 verbal.

14 Q. Okay. What do you mean by that?

15 A. Going over the policy.

16 Q. Okay. Was that done in a -- with a  
17 group of deputies in a course?

18 A. I have not been to a course, no, sir.

19 Q. So are you saying this policy was just  
20 read to you?

21 A. Yes, sir, and we have written it.

22 Q. But other than having the policy read to  
23 you, that is the extent of what you understand as  
24 to training by Lauderdale County for that policy?

25 A. Yes, sir.

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1           Q.    Now, according to that policy, 4.03, is  
2    a driver required to exit his vehicle in order to  
3    perform the tasks that we went over in -- on Page  
4    2 of that Exhibit 1?

5           A.    Are --

6           Q.    According to that policy -- I'm asking  
7    you to turn to Page 2, which you've done.

8           A.    Right.

9           Q.    Initial Observations, is the driver  
10    required to exit their vehicle for the initial --  
11    for the initial observations?

12          A.    No, sir.

13          Q.    Is a driver required to exit their  
14    vehicle for the part two?

15          A.    This one (indicating)?

16          Q.    For the secondary observations.

17          A.    They could be asked if there were signs  
18    of impairment --

19          Q.    Okay.

20          A.    -- by the driver, yes, sir.

21          Q.    Other than signs of impairment, would  
22    there be a reason to ask the driver to exit the  
23    car?

24          A.    Also under (c), criminal activity.

25          Q.    And when you say, criminal activity,

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1 what do you mean?

2 A. I just read what you asked. It says  
3 criminal activity.

4 Q. Oh, I understand, but what I'm -- my  
5 question -- I'm asking you to interpret that for  
6 me. When you see -- when it says criminal  
7 activity, what -- how do you interpret that?

8 A. There could be any list of criminal  
9 activity.

10 Q. Okay.

11 A. That's very vague.

12 Q. Okay. Now, on May 24th, 2014, you were  
13 at a safety checkpoint at Allen Swamp and Pine  
14 Springs Road, correct?

15 A. Yes, sir.

16 Q. And were you the lieutenant over that --  
17 were you a lieutenant at that time?

18 A. Yes, sir.

19 Q. And were you the supervisor of that  
20 safety checkpoint?

21 A. Sergeant Cokel.

22 Q. Are you saying Sergeant Cokel was the  
23 supervisor?

24 A. Yes, sir.

25 Q. Okay.

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1           A.    He was the shift sergeant on scene that  
2   night.

3           Q.    What was your assignment at the safety  
4   checkpoint that night or that evening?

5           A.    I was checking traffic on Allen Swamp  
6   Road that were traveling eastbound.

7           Q.    When you say checking traffic --

8           A.    Checking --

9           Q.    -- explain for me.

10          A.    -- vehicles.

11          Q.    Doing the initial observation that we  
12   just went over?

13          A.    Yes, sir. Yes, sir.

14          Q.    And was that about 7- -- 7:49 p.m.?

15          A.    Yes, sir.

16          Q.    Was that, best of your recollection,  
17   daytime or nighttime?

18          A.    Daytime.

19          Q.    And at the time Mr. Kasper showed up,  
20   how many cars have gone through -- approximately  
21   gone through that checkpoint -- strike that.

22                   How long had that checkpoint been going  
23   on before Mr. Kasper pulled up?

24          A.    I don't recall, sir.

25          Q.    This is going to be Exhibit 2 here. I

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1 want to show you a picture here.

2 A. Yes, sir.

3 (Exhibit 2 marked for identification.)

4 Q. (By Mr. Denson) Now, from -- from last --  
5 from the time that you were at Swamp -- Allen Swamp  
6 and Pine Springs Road, is this an accurate  
7 reflection of that -- of that location -- of the  
8 intersection of that location?

9 A. Of the intersection, yes, sir.

10 Q. And is that -- the truck that's there in  
11 Exhibit 2, do you recall if that's the same or  
12 similar truck that Mr. Kasper had?

13 A. Yes, sir.

14 Q. Now, I want you, if you can, to explain  
15 to me where you were. I think your testimony is  
16 you were on Allen Swamp Road checking traffic?

17 A. Yes, sir.

18 Q. I want you to draw on Exhibit 2 where  
19 you were, if you can. You got a pen?

20 A. Yes, sir.

21 Q. We've been having issues with thickness,  
22 so it -- it may or may not show up.

23 A. Well, it's hard to tell on this  
24 diagram -- on this picture from this angle.  
25 That's -- the truck is not where it was.

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1 Q. Okay. Let me see if I can get you  
2 another picture. Let me have this marked as  
3 Exhibit 3.

4 Okay. Let me show you what's been  
5 marked as Exhibit 3. I believe it's another  
6 vantage point at that same intersection. And on  
7 Exhibit 3, there is no vehicle.

8 A. Yes, sir.

9 (Exhibit 3 marked for identification.)

10 Q. (By Mr. Denson) On Exhibit 3, can you  
11 mark where you say you were located at the time you  
12 saw Mr. Kasper first.

13 A. Not the -- I can't mark it exactly,  
14 because -- but it was around about in this area.

15 Q. Okay. Can you go ahead and make me a  
16 stick figure and put Russell beside it.

17 A. (Complying.)

18 Q. Okay. Let me see that. Okay. And at  
19 the time you saw Mr. Kasper, were you -- did you  
20 have a car that you were dealing with, a car or a  
21 vehicle where you were checking traffic at that  
22 vehicle?

23 A. Did I?

24 Q. Yes.

25 A. No, sir.

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1 Q. Okay. So tell me what happened.

2 Mr. Kasper, of course, approached the  
3 intersection.

4 A. Yes, sir.

5 Q. And when he approached the  
6 intersection -- you have indicated on Exhibit 3  
7 where you were -- can you show me where Mr. Kasper  
8 stopped the first time?

9 MR. THAGGARD: Object to form.

10 Q. (By Mr. Denson) Can you show me on  
11 Exhibit 3 where -- when you first encountered  
12 Mr. Kasper -- the location of his truck when you  
13 first encountered him?

14 A. I still don't understand. When I first  
15 saw him?

16 Q. Okay. So when you saw him, he was,  
17 what, a quarter mile out?

18 A. He was down the road coming, yes, sir.

19 Q. Okay. Do you recall his truck slowing  
20 down?

21 A. Yes, sir.

22 Q. And could you put on Exhibit 3 where his  
23 truck was located when you noticed him slowing  
24 down.

25 A. No, sir.

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1           Q.    Okay.  Can you put on Exhibit 3 the  
2    location of Mr. Kasper's truck at -- when you say  
3    he made a complete stop?

4           A.    He -- I'm confused on the question,  
5    because at no point in time did Mr. Kasper ever  
6    make a complete stop.

7           Q.    Okay.  I'll get back to that.  Were  
8    there other officers out there on the scene?

9           A.    Yes, sir.

10          Q.    And do you recall where the other  
11   officers were?

12          A.    Vaguely, yes, sir.  I know there were  
13   two in the intersection, and Deputy Matuszewski  
14   was somewhere right in here (indicating) to my  
15   right.

16          Q.    Okay.  And the two in the intersection,  
17   was that on Pine Springs Road?

18          A.    Yes, sir.

19          Q.    Now, at some point in time, you began to  
20   communicate with Mr. Kasper, correct?

21          A.    Yes, sir, I attempted.

22          Q.    And I won't see the loc- -- I want you  
23   to draw me the location of Mr. Kasper's truck when  
24   you made your first communication with him.

25          A.    (Complying.)

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1 Q. Let me see that. Okay. And if you can,  
2 put a one inside that box there.

3 A. (Complying.)

4 Q. Now, what communication did you make to  
5 Mr. Kasper at that location?

6 A. I asked him to stop his vehicle.

7 Q. Okay. And according to where you placed  
8 the mark where Mr. Kasper's vehicle was, is it in  
9 front of the stop sign on Allen Swamp or is it  
10 after -- past the stop sign?

11 A. We were right there in the general area  
12 of the stop sign.

13 Q. Okay.

14 A. I can't -- I couldn't say whether I was  
15 exactly in front of it or not.

16 Q. Was Mr. Kasper's truck before the stop  
17 sign or after the stop sign when you first  
18 encountered him?

19 A. When I began -- when I spoke?

20 Q. Yeah. When you first had communication  
21 with him.

22 A. He was coming by the stop sign.

23 Q. Okay. So he had not come through the  
24 stop sign -- past the stop sign line yet?

25 A. There's not a line in the road.

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1           Q.    Okay.  I'm going -- I want you to take a  
2    look at Exhibit 2 here.  Do you see that white  
3    spot there (indicating)?

4           A.    I can't tell what that is.  I don't  
5    recall, there may be a faded line, but there's not  
6    a big stop bar there that I recall.

7           Q.    Okay.  So is it your testimony that when  
8    you had your first communication with Mr. Kasper  
9    that he was in front of the -- strike that.

10           Is it your testimony that when you had  
11    your first communication with Mr. Kasper that he  
12    was approaching the stop sign or he had passed the  
13    stop sign?

14           A.    Passed -- was passing the stop sign.

15           Q.    Passing the stop sign.

16           And on Exhibit 3, you -- you show that  
17    there's a stop right close to the stop sign?

18           A.    Yes, sir.

19           Q.    And it is your testimony that he stopped  
20    there?

21           A.    No, sir.

22           Q.    Okay.  But that's just the place where  
23    you had your first encounter with Mr. Kasper?

24           A.    Yes, sir.  You asked where I spoke to  
25    him first.

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1 Q. Okay. And what words did you -- did  
2 you -- did you use when you spoke to him first at  
3 that location?

4 A. Stop.

5 Q. Okay. And was Mr. Kasper's window up or  
6 down at that time?

7 A. Up.

8 Q. It was up. And you're speaking to me in  
9 a low, calm tone. Now, were you speaking at that  
10 low, calm tone at the time you first asked  
11 Mr. Kasper to stop his vehicle?

12 A. I doubt it.

13 Q. Okay. Was it a holler at that time?

14 A. Yes, sir, I'm sure.

15 Q. Okay. Now, did Mr. Kasper -- I want you  
16 to indicate on this -- on Exhibit 3 or Exhibit 1  
17 if you -- or Exhibit 2, if you can, where did  
18 Mr. -- where did Mr. Kasper ultimately stop  
19 according to your testimony?

20 A. (Complying.)

21 Q. Can you draw me a rectangle and, of  
22 course, that line would be the front of his  
23 vehicle?

24 A. (Complying.) You want me to draw a  
25 vehicle?

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1 Q. Yes, no wheels, just a rectangle.

2 A. I'm trying to place this -- it's -- it's  
3 a bad picture. That's the front of the vehicle.

4 Q. Okay. Now, at this time, would you say  
5 he's on Pine Springs Road or he's on Allen Swamp  
6 Road, based on what you drew on Exhibit 2?

7 A. We were right there at the  
8 intersection -- the front. It's a big  
9 intersection --

10 Q. Uh-huh.

11 A. -- and we were in the intersection.

12 Q. Okay. And do you recall where the  
13 two -- you referenced there were two other  
14 officers on Pine Springs Road. Do you recall  
15 where those two officers were at the time Mr. --  
16 where you indicated Mr. Kasper's truck stopped?

17 A. Yes, sir. They were right here  
18 (indicating).

19 Q. And -- and for the record, you're  
20 showing they're beyond what the picture is  
21 indicating on Exhibit 2?

22 A. Yes, sir.

23 Q. How many feet would you say that  
24 Mr. Kasper's truck was away from the other two  
25 officers?

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1 A. I'd say 14, guessing roughly.

2 Q. Okay. Now, you -- you started out  
3 saying that you saw Mr. Kasper's truck about a  
4 quarter mile out. Did -- while he was  
5 approaching -- his truck was approaching the  
6 intersection, did you notice the truck speeding up  
7 or slowing down?

8 A. Slowing.

9 Q. And how many miles per hour would you  
10 say that Mr. Kasper's truck was going at the time  
11 that you first communicated with him?

12 MR. THAGGARD: Object to form.

13 THE WITNESS: I don't know how many  
14 miles an hour he was going.

15 Q. (By Mr. Denson) Okay.

16 A. It was slow.

17 Q. Okay. So you said you told Mr. Kasper  
18 to stop. At some point, Mr. Kasper did stop,  
19 correct?

20 A. Mr. Kasper did not, no, sir.

21 Q. Mr. Kasper's truck never stopped?

22 A. The truck did.

23 Q. The truck did stop?

24 A. Yes, sir.

25 Q. How would you say the truck stopped?

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1 A. I put it in park and --

2 Q. And you told me his windows were up.

3 How did you manage that?

4 A. Because I broke the window.

5 Q. Okay. And how did you break it -- bust  
6 his window?

7 A. With my arm.

8 Q. And why did you do that?

9 A. Because I figured that Mr. Kasper was  
10 fixing to strike the other two officers.

11 Q. Okay. Even though you just testified  
12 that he was slowing down prior to getting to that  
13 intersection, correct?

14 A. No, prior to getting to the  
15 intersection, he was slowing down.

16 Q. Did he speed up after you encountered  
17 him the first time?

18 A. Yes, sir.

19 Q. And why do you say he sped up?

20 A. Repeat that question.

21 Q. Why did you say Mr. Kasper sped up after  
22 he approached the intersection?

23 A. Because he sped up.

24 Q. Did you hear an engine raise?

25 A. I observed the vehicle speed up.

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1 Q. Okay. And when you -- when you say you  
2 observed the vehicle speed up, what distance would  
3 you say the car went from the time the car was  
4 going -- Mr. Kasper's truck was going slow to the  
5 time it sped up?

6 A. I don't understand the question.

7 Q. After you say you heard -- you observed  
8 the car speeding up, was that a distance of  
9 two feet, five feet?

10 A. I don't recall, sir. It was -- it  
11 happened this quick (demonstrating). It didn't  
12 get -- it didn't go far.

13 Q. Okay. So did you have to run alongside  
14 the car?

15 A. No, sir.

16 Q. So even though your testimony is the car  
17 sped up, you stayed still and you were still able  
18 to be beside Mr. Kasper's truck?

19 A. At no point --

20 MR. THAGGARD: Object to form. Go  
21 ahead.

22 THE WITNESS: At no point did I ever say  
23 I stood still.

24 Q. (By Mr. Denson) Okay. So did you walk  
25 along Mr. Kasper's truck?

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1 A. Yes, sir.

2 Q. And was that a brisk walk or a casual --  
3 you were casually walking beside him?

4 A. Yes, sir.

5 Q. I'm sorry? You said, yes, sir. I'm not  
6 sure which one.

7 A. Casual. I wasn't running.

8 Q. Okay. So -- and even though it was a  
9 casual walk, what you're deeming to be  
10 Mr. Kasper's truck speeding up, it didn't pass  
11 you, the truck did not pass you while you were  
12 walking?

13 A. Because I got inside of it.

14 Q. So did you get inside of it before it  
15 sped up or did you get inside of it --

16 A. As it was speeding up.

17 Q. As it was speeding up. So did you ever  
18 begin to run?

19 A. No, sir.

20 Q. So even though you're saying you got in  
21 it as the truck was speeding up, did your pace of  
22 walking ever change?

23 A. Yes, sir, right -- for a brief second,  
24 yes.

25 Q. For a second your pace of walking

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1 changed?

2 A. Yes, sir.

3 Q. And other than telling Mr. Kasper -- you  
4 told me -- you said you asked Mr. Kasper to stop.  
5 When you first encountered him -- when you first  
6 communicated with him, was that the only time you  
7 asked him to stop?

8 A. To the best of my knowledge, yes, sir.

9 Q. So you broke, as you say, Mr. Kasper's  
10 window. What did you do after you broke  
11 Mr. Kasper's window?

12 A. I entered the vehicle through the  
13 window, the open window, and I placed the vehicle  
14 in park.

15 Q. And while you were placing the vehicle  
16 in park, what was Mr. Kasper doing?

17 A. Screaming.

18 Q. What was he saying?

19 A. Nothing.

20 Q. He was just screaming?

21 A. Just screaming.

22 Q. And at the time that you were  
23 reaching -- obviously, you were reaching for the  
24 gear shifter, correct?

25 A. Yes, sir.

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1           Q.    At the time you were reaching for the  
2    gear shifter, were you running alongside  
3    Mr. Kasper's truck?

4           A.    No, sir. I was leaning over the driver  
5    door.

6           Q.    Okay. So during this time, the truck  
7    was speeding up in your opinion?

8           A.    Yes, sir.

9           Q.    But you're still walking?

10          A.    Not at that point. I was hanging inside  
11    the vehicle. My feet weren't even on the ground.

12          Q.    Are you saying the vehicle was -- was  
13    dragging you?

14          A.    No, sir. I wasn't being drug.

15          Q.    Would you mark this as Exhibit 4.

16           I want to show you what's been marked as  
17    Exhibit 4 in this deposition. Is this the same  
18    side view that you had at the time you encountered  
19    Mr. Kasper's truck on May 24th, 2014?

20          A.    Yes, sir.

21           (Exhibit 4 marked for identification.)

22          Q.    (By Mr. Denson) And you see the truck  
23    have some -- I think it's a side step or something.  
24    Do you see that side --

25          A.    Running bars.

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1 Q. What do you call it?

2 A. Running bars.

3 Q. Running bars. Is it your testimony that  
4 you -- you leaped onto the running bar while  
5 trying to put Mr. Kasper's vehicle in park?

6 A. No, sir.

7 Q. And when Mr. Kasper's vehicle went into  
8 park, did you feel a -- did the vehicle stop at  
9 that moment?

10 A. Yes, sir.

11 Q. Now, at any point in time, did you --  
12 did you -- was the vehicle pushed forward or did  
13 you seem -- did the vehicle seem to rock forward  
14 viciously as a result of that vehicle being placed  
15 in park by you?

16 MR. THAGGARD: Object to form.

17 Q. (By Mr. Denson) Do you recall the vehicle  
18 moving forward --

19 A. It was --

20 Q. -- after coming to an abrupt stop?

21 A. It was -- it was an abrupt stop. I  
22 don't recall anything vicious.

23 Q. Okay. And your testimony is Mr. Kasper  
24 is screaming. What are you saying to Mr. Kasper  
25 after you say you put the vehicle in park?

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1           A. I didn't say anything. I opened the  
2 door from the inside.

3           Q. Okay. Now, when -- when you saw  
4 Mr. Kasper -- saw and heard Mr. Kasper screaming,  
5 in your opinion, did you believe him to be a  
6 threat to you at this time?

7           MR. THAGGARD: Object to form.

8           THE WITNESS: Yes. I believed he was a  
9 threat.

10          Q. (By Mr. Denson) Was he screaming -- did  
11 you hear him screaming before you busted his window?

12          A. He was yelling prior to.

13          Q. He was yelling prior to?

14          A. Right.

15          Q. And what is it -- was he -- that you  
16 recall him saying?

17          A. As he was -- at what point in time?

18          Q. Before -- immediately before you broke  
19 his window.

20          A. You can't get me.

21          Q. You can't get me?

22          A. Yes, sir.

23          Q. Okay. And what was your response?

24          A. I had no response to that.

25          Q. Okay. So the next thing you said after

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1     Mr. Kasper told you, you can't get me, according  
2     to your testimony, is what?

3           A.    I don't believe I ever spoke to him  
4     after that.

5           Q.    So you open Mr. Kasper's door. And what  
6     did you do next?

7           A.    Me?

8           Q.    Yes.

9           A.    I observed deputies fighting with  
10    Mr. Kasper inside the vehicle.

11          Q.    And what deputies did you observe  
12    fighting with Mr. Kasper?

13          A.    I believe it was Deputy Mathis and  
14    Deputy Anderson.

15          Q.    Did these two deputies get in front of  
16    you after you opened the door or how is it that --  
17    how did these deputies begin to encounter  
18    Mr. Kasper instead of you?

19          A.    I opened the door. I was on the outside  
20    of the door.

21          Q.    Okay. And when you say you observed the  
22    deputies fighting with Mr. Kasper, what -- were  
23    the deputies punching Mr. Kasper?

24          A.    No, sir.

25          Q.    Were the deputies kicking -- kicking

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1 Mr. Kasper?

2 A. No, sir.

3 Q. When you say fighting, what do you mean  
4 then?

5 A. They were trying to get him out of the  
6 vehicle. He was kicking and flailing his arms.

7 Q. When you say flailing his arms, explain  
8 that for me.

9 A. He was moving his -- he was swatting  
10 them away, swinging.

11 Q. And you say he was kicking as well?

12 A. Yes, sir.

13 Q. Now, at this time, Mr. Kasper was still  
14 seated, correct?

15 A. He's still in the seat.

16 Q. He's still sitting down in his truck at  
17 this time, correct?

18 A. No.

19 Q. Okay. So is it your testimony that  
20 after you opened the door, the two officers -- two  
21 deputies go to assist Mr. Kasper, Mr. Kasper is  
22 now standing up?

23 A. No, sir.

24 Q. If he's not sitting and he's not  
25 standing up, what was Mr. Kasper doing?

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1 A. Laying over the center console.

2 Q. He was laying across the center console?

3 A. Yes, sir.

4 Q. Okay. So would that be -- would that  
5 mean his head was in the passenger side of the --  
6 of his truck?

7 A. Center area.

8 Q. And did you ever see, at any time,  
9 Mr. Kasper kick an officer?

10 A. He was just kicking. I don't believe he  
11 was actually -- I never saw him contact, but I had  
12 a door between us.

13 Q. So you had some obstruction of your  
14 view?

15 A. Yes, sir.

16 Q. Did you notice if Mr. Kasper had his  
17 seatbelt on?

18 A. He did, because I know they were trying  
19 to get the seatbelt unbuckled. I could not --

20 Q. And from your vantage point, you -- you  
21 never saw an officer punch Mr. Kasper or kick  
22 Mr. Kasper?

23 A. No, sir.

24 Q. Did you notice if the two deputies were  
25 being rough with Mr. Kasper?

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1 A. No, sir.

2 Q. And these -- when I say two deputies,  
3 this would be Deputy Jacob Mathis and Deputy Dylan  
4 Anderson, correct?

5 A. Correct.

6 Q. Did you notice Jacob Mathis pulling on  
7 Mr. Kasper in any way?

8 A. Yes.

9 Q. And how would you describe that Jacob  
10 Mathis was pulling on Mr. Kasper?

11 A. Repeat that question, please.

12 Q. How do you describe what Jacob Mathis  
13 was doing? You say he was pulling on Mr. Kasper.  
14 What part of his body was he pulling on?

15 A. I don't recall. I just know they were  
16 trying to pull him out of the vehicle.

17 Q. Do you recall any officer tearing the  
18 shirt of Mr. Kasper?

19 A. No, sir.

20 Q. And why you say -- at the time the  
21 officers were fighting, as you say, with  
22 Mr. Kasper, what -- what was the officers saying?  
23 Were there any officers giving any instructions or  
24 commands?

25 A. They were, but I don't recall what they

Ruston Russell 6/1/2017

1 were saying.

2 Q. Other than step out of the vehicle and  
3 stop, did you give any other instruction or  
4 command to Mr. Kasper?

5 A. No, sir.

6 Q. After you bust the window or, as you  
7 say, break the window of Mr. Kasper, did you give  
8 him an opportunity to get -- to get out on his  
9 own?

10 A. Did I? No, sir. I opened the door.

11 Q. So Mr. Kasper was never given an  
12 opportunity to comply with the command, step out  
13 of the vehicle?

14 A. I believe -- my opinion?

15 Q. Well, I'm just asking what happened that  
16 day. On that day, did you give Mr. Kasper an  
17 opportunity to step out of the vehicle after you  
18 placed the vehicle in park and opened the door?

19 A. Yes, sir, he could have stepped out.

20 Q. I'm not asking what he could have done.  
21 My question is: Did you give him the opportunity  
22 to?

23 A. Did I? Yes, sir.

24 Q. So after you placed the vehicle -- break  
25 the window, place the vehicle in park, did you

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1 step away and give him an opportunity to get out  
2 after you opened the door?

3 A. I never was around the door.

4 Q. I thought your testimony is that you  
5 opened the door.

6 A. I did, and there was a door between us  
7 the whole way. You're insinuating that I was  
8 inside the doorway. I was on the outside.

9 Q. Okay. Just -- I'm not making any  
10 insinuations. My only -- my question is simply  
11 this: After you gave a command to Mr. Kasper, was  
12 there a space where Mr. Kasper was allowed to just  
13 step out of his car without assistance of  
14 Lauderdale County deputies?

15 A. Yes, sir.

16 Q. And how much time passed to allow him to  
17 get out of the car without the assistance of  
18 Lauderdale County deputies?

19 A. I don't -- I'd say brief.

20 Q. When you say brief, (demonstrating) that  
21 long? I'm snapping my fingers.

22 MR. THAGGARD: Object to form.

23 Q. (By Mr. Denson) When you say brief, are  
24 you saying one second?

25 A. I don't recall. It was not long,

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1 because of his actions.

2 Q. His actions of screaming after you break  
3 his window?

4 A. And jumping toward the passenger side of  
5 the vehicle.

6 Q. You placed the vehicle in -- you break  
7 the window, place the vehicle in park. At that  
8 moment, you're telling me Mr. Kasper immediately  
9 jumped towards the passenger side of his car?

10 A. Yes, sir.

11 Q. And this was done while he was  
12 sitting -- while he was strapped by his seatbelt?

13 A. Yes, sir.

14 Q. Is your testimony at any time that  
15 Mr. Kasper was -- was grabbing his steering wheel  
16 in order to avoid getting out (demonstrating)?

17 A. Not like that.

18 Q. Is it your testimony that he was  
19 grabbing his steering wheel at all?

20 A. He did, yes, sir.

21 Q. At what point in time did he grab his  
22 steering wheel?

23 A. After they got the seatbelt off.

24 Q. After the seatbelt came off?

25 A. Yes, sir.

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1           Q.    Now, typically, when you pull a person  
2   over and you ask them to get out, how much time do  
3   you allow them to comply with your command?

4           MR. THAGGARD:  Object to form.

5           THE WITNESS:  I don't know that there's  
6   a set time.

7           Q.  (By Mr. Denson)  Okay.  Has there ever  
8   been a time that you had to break a window doing a  
9   road -- doing a safety checkpoint?

10          A.  I don't recall.

11          Q.  Did you use your Taser that night?

12          A.  Yes, sir.

13          Q.  At what point in time did you decide to  
14  use your Taser?

15          A.  While Mr. Kasper was still in the  
16  vehicle.

17          Q.  And what exactly was Mr. Kasper doing at  
18  the time you removed your Taser?

19          A.  He was holding -- grabbing onto things  
20  in the vehicle to keep from being removed.

21          Q.  At the time that you broke Mr. Kasper's  
22  window, what crime had he committed?

23          A.  Disregard for a traffic device.

24          Q.  And what traffic device would you be  
25  making reference to?

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1           A.    Myself or the stop sign across from me  
2    that we were going through.

3           Q.    So is it your testimony you were giving  
4    commands to stop?

5           A.    Yes, sir.

6           Q.    And disregard for a traffic device, is  
7    that a ticket? Is that a citation type crime?

8           A.    It's a misdemeanor offense.

9           Q.    Normally, would you give a citation for  
10   that offense?

11          A.    Yes, sir.

12          Q.    Would you -- would you normally ask a  
13   person to step out of a vehicle for that offense?

14          A.    No, sir.

15          Q.    So at this time Mr. Kasper was charged  
16   with -- had -- in your opinion, he had committed  
17   the crime of disregard of a traffic device. And  
18   why, at this time, would you ask him to step out  
19   of the vehicle?

20          A.    While he -- you lost me, sir. I'm  
21   sorry.

22          Q.    Okay. I'll go back. I asked you what  
23   offense had Mr. Kasper been charged prior to you  
24   breaking his window.

25          A.    Right.

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1 Q. You said disregard of a traffic device.

2 And my question is: What reason would Mr. Kasper  
3 have to -- that you believe Mr. Kasper needed to  
4 exit his vehicle after you broke his window?

5 A. After I broke his window?

6 Q. Yes.

7 A. Okay. Because you said before -- why  
8 did I feel he needed to?

9 Q. Yes, for that misdemeanor charge.

10 A. Because I didn't know what was going on  
11 with Mr. Kasper at the time.

12 Q. Okay.

13 A. I was concerned about impairment or any  
14 other number of things why he was acting the way  
15 he was acting.

16 Q. Okay. Did you smell any alcohol?

17 A. I did not, no, sir.

18 Q. And, typically, when -- and are you a  
19 DUI officer? Were you a DUI officer at that time?

20 A. No, sir.

21 Q. Have you ever been a DUI officer?

22 A. No, sir.

23 Q. Did you call a DUI officer over?

24 A. He was on scene.

25 Q. When you say you were concerned about

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1 impairment, based on that concern, couldn't you  
2 have just called a DUI officer over to explore the  
3 impairment?

4 A. There was a DUI officer with him.

5 Q. I believe your testimony is after you  
6 break the window, you put the car in park, two  
7 officers came when you opened the door.

8 A. Yes, sir.

9 Q. And that was after you had asked him to  
10 exit the car?

11 A. No. I did not state that.

12 Q. Okay. When did you ask him to exit the  
13 car?

14 A. I did not.

15 Q. You never asked him to exit the car?

16 A. No, sir.

17 Q. Why did you feel there was a need for  
18 him to exit the car?

19 A. For our safety and his. I felt that he  
20 needed to, but I never asked him anything except  
21 to stop.

22 Q. Okay. Why didn't you just ask  
23 Mr. Kasper to get out of the car?

24 A. At what point?

25 Q. After you break his window -- after you

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1       broke his window and you say you put the car in  
2       park, why didn't you just ask Mr. Kasper,  
3       Mr. Kasper, please exit your vehicle?

4           A.    The other deputies were ordering him out  
5       of the vehicle.

6           Q.    But it's -- it's your testimony you  
7       didn't smell any alcohol, correct?

8           A.    No, sir.

9           Q.    From your vantage point, after you  
10       opened the door, did you see any drugs or drug  
11       paraphernalia in the truck that would evidence use  
12       of -- recent use of drugs?

13       A.    At that point in time?

14       Q.    Yes.

15       A.    I couldn't hardly see in the vehicle,  
16       sir.

17       Q.    And a Deputy Wesley Stephens, was he out  
18       there at the time?

19       A.    Yes, sir.

20       Q.    And do you recall what he was doing?

21       A.    They were checking a vehicle on Pine  
22       Springs Road, he and Trooper Moore.

23       Q.    So let me get back -- so -- to this  
24       point. So you tased Mr. Kasper --

25       A.    Yes, sir.

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1 Q. -- while he was sitting in his vehicle?

2 A. While he was laying in his vehicle, yes,  
3 sir.

4 Q. While he was laying in his vehicle.

5 Mark that as the next exhibit.

6 COURT REPORTER: That will be 5.

7 (Exhibit 5 marked for identification.)

8 MR. DENSON: Okay.

9 MR. THAGGARD: You better look and make  
10 sure you want all of that.

11 MR. DENSON: I was just going to say, I  
12 think you got some of the ones I need.

13 MR. THAGGARD: It's more than one copy.  
14 It looks like about a copy and a half.

15 MR. DENSON: Yeah, that's what I was  
16 looking for, the other portion of it. All right.

17 MR. THAGGARD: You're welcome.

18 Q. (By Mr. Denson) Thank you. Appreciate  
19 it, Lee.

20 All right. Lieutenant Russell, this is  
21 your response to resistance report, correct?

22 A. Yes, sir.

23 Q. And on Page 2, it's identified as LC19,  
24 it shows you indicated that Taser probes came into  
25 the left side -- I'm sorry. The --

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1 A. Right abdomen.

2 Q. -- right abdomen. That would be the  
3 portion of Mr. Kasper's abdomen that was furthest  
4 in the car, correct -- closest in the car?

5 A. It was the closest to me.

6 Q. The right side of his body?

7 A. Yes, sir.

8 Q. So let me -- let me get this straight.  
9 Your testimony is you tasered Mr. Kasper while  
10 laying in his -- in his truck and the right side  
11 of his abdomen was closest to you?

12 A. You're not --

13 Q. I'm -- I'm just thrown off.

14 A. He's laying on his back --

15 Q. He's laying on his back?

16 A. -- with his feet out of the window. The  
17 right side of his abdomen, I'm in the corner, was  
18 at the steering wheel area. It was the closest to  
19 me.

20 Q. Okay. And you're saying that's because  
21 he was laying on his back?

22 A. At that time, yes, sir.

23 Q. With the right side of his body facing  
24 the steering wheel?

25 A. Yes, sir. The steering wheel was to his

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1 right.

2 Q. And how many times did you tase him?

3 A. How many cartridges or applications?

4 Q. I'm not sure if I know the difference.

5 When you say applications, what do you mean?

6 A. How many times the Taser was cycled.

7 Q. All right. How many times was the Taser  
8 cycled?

9 A. During the whole incident or at this  
10 time?

11 Q. At this time.

12 A. Once.

13 Q. Once. And when you say cycled, what do  
14 you -- what do you mean by that?

15 A. The five second cycle when you pull the  
16 trigger.

17 Q. Okay. So that means the probes were  
18 released into Mr. Kasper?

19 A. Yes, sir.

20 Q. And you had the trigger pressed for five  
21 seconds?

22 A. No, sir. I pressed and released it. It  
23 automatically goes for five seconds.

24 Q. For five seconds.

25 Okay. And this was while he was laying

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1 down and his feet are out of the door?

2 A. Yes, sir.

3 Q. Did you tase him another time -- well,  
4 let me back up. Did you cycle -- was there  
5 another cycle?

6 A. Yes, sir. Once he was out of the  
7 vehicle.

8 Q. And -- well, I'll get to that. How did  
9 Mr. Kasper ultimately get out of his vehicle?

10 A. Deputies Anderson and Mathis pulled him  
11 from the vehicle.

12 Q. And the seatbelt that he had on, how  
13 did -- how was that released; do you know?

14 A. I -- I don't know.

15 Q. Okay. So when Mr. Kasper -- when  
16 Mr. Kasper ultimately was removed from his  
17 vehicle, where was he placed?

18 A. On the ground.

19 Q. Is that face down on the ground?

20 A. I don't recall how they were. They  
21 were --

22 Q. Well, what was your vantage point once  
23 Mr. Kasper got out of the vehicle?

24 A. I still had the door between us.

25 Q. Okay. Was the door ever closed by you?

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1           A.    Eventually.  They had him in custody  
2 when I closed the door.

3           Q.    You said there was another cycle of the  
4 Taser?

5           A.    Yes, sir.

6           Q.    And when did that second cycle occur?

7           A.    When he was on the ground.

8           Q.    Is that a second probe -- second set of  
9 probes that went out?

10          A.    No, sir.  Only one cartridge was used.  
11 You can reenergize those probes.

12          Q.    So is that what happened, the probes  
13 were reenergized?

14          A.    Yes, sir.

15          Q.    And this is while Mr. Kasper was -- at  
16 this time, he would be laying on top of the  
17 probes, correct?

18          A.    I don't recall how they were, but --  
19 well, I don't recall how they were.

20          Q.    Other officers, in their statements --  
21 and you say you read their statements -- said that  
22 he was in prone -- I think it's p-r-o-n-e --  
23 position?

24          A.    Yes, sir.

25          Q.    Is that your testimony as well, that

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1       Mr. Kasper was taken out of the truck and put in  
2       prone position?

3           A.    I don't know how he -- they were  
4       initially. That's how they ended up, in a prone  
5       position, yes, sir, handcuffed.

6           Q.    When you recycled or it was a second  
7       cycle of the Taser, what position was Mr. Kasper  
8       in?

9           A.    I don't recall.

10          Q.    You don't recall if he was already in  
11       prone position when you cycled it the second time?

12          A.    No, sir. They were still fighting.

13          Q.    And when you say fight -- still  
14       fighting, Mr. Kasper is now outside of the  
15       vehicle?

16          A.    Yes, sir.

17          Q.    He's now on the ground?

18          A.    Yes, sir.

19          Q.    And you say he's fighting with how many  
20       deputies at this time?

21          A.    Two.

22          Q.    Still two deputies?

23          A.    Yes, sir.

24          Q.    And while Mr. Kasper was outside in  
25       prone position, do you recall Mr. Kasper ever

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1       punching any officer?

2           A.    No, sir.

3           Q.    Do you recall him ever kicking any  
4       officer?

5           A.    No, sir.

6           Q.    Now, there were -- there was a knee  
7       placed into the lower abdomen -- lower part of  
8       Mr. Kasper's body by Deputy Anderson, correct?

9           A.    I don't recall that, no, sir.

10          Q.    Do you recall any hits by the deputies  
11       to Mr. Kasper?

12          A.    None at all, no, sir.

13          Q.    How do you contend that the handcuffs  
14       were placed on Mr. Kasper? What do you say is  
15       happening -- well, strike that.

16           How do you describe what is happening  
17       while handcuffs are being placed on Mr. Kasper  
18       after he was put in prone position?

19           MR. THAGGARD: Object to form.

20           THE WITNESS: What did I see happening?

21          Q.    (By Mr. Denson) Yes.

22          A.    Him refusing to give them his hands,  
23       pulling away.

24          Q.    And when you say pulling away --

25          A.    His hands.

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1           Q.    Pulling his hands away.  Do you recall  
2  his hands ever being over his face?

3           A.    I don't recall, sir.

4           Q.    Do you recall where his hands were at  
5  any given time?

6           A.    No, sir.  I -- once they were out of the  
7  vehicle, I didn't get in -- in the -- that.

8           Q.    Did you leave after the -- after the  
9  second cycle of the Taser, is it your testimony  
10 that you were no longer involved in the arrest of  
11 Mr. Kasper?

12          A.    I was again.

13          Q.    Okay.

14          A.    Not at that initial time, no, sir.

15          Q.    Okay.  All right.  When did -- when did  
16 you become involved again with Mr. Kasper on that  
17 evening?

18          A.    Deputies were trying to remove him from  
19 one vehicle and place him in another, and  
20 Mr. Kasper refused to get out of the vehicle.

21          Q.    Okay.  And what if anything did you do?

22          A.    I entered through the driver door and  
23 deployed a drive stun which is no cartridges, no  
24 probes to his back.

25          Q.    Okay.  That's just a Taser being placed

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1 on his body?

2 A. Yes, sir. Yes, sir.

3 Q. Okay. And what exactly was Mr. Kasper  
4 doing at the time that you deployed the dry (sic)  
5 stun?

6 A. Drive stun.

7 Q. Drive stun?

8 A. Yes, d-r-i-v-e.

9 Q. Okay. Drive stun. At the time you  
10 deployed the drive stun, what was Mr. Kasper --  
11 Mr. Kasper's actions?

12 A. He was kicking at the deputies and  
13 placing his feet on the inside of the car.

14 Q. Okay. And what if -- what happened  
15 after the drive stun?

16 A. He immediat- -- immediately exited the  
17 vehicle.

18 Q. All right. Did he walk voluntarily from  
19 that vehicle?

20 A. No, sir.

21 Q. How did he get from that vehicle to the  
22 next location?

23 A. To the best of my knowledge, they had to  
24 carry him.

25 Q. Now, to get Mr. Kasper into the first

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1 vehicle that he was in, did you observe how he was  
2 placed into that vehicle?

3 A. No, sir.

4 Q. Now, before you deployed that drive stun  
5 that you say caused Mr. Kasper to exit the  
6 vehicle, do you recall any officer requesting  
7 Mr. Kasper to exit the vehicle verbally?

8 A. Yes, sir.

9 Q. And which officer made that request?

10 A. I don't recall. I could hear them  
11 ordering him out of the vehicle.

12 Q. That evening, did you hear -- did you  
13 get a chance to hear Mr. Kasper's speech? Did you  
14 hear him talk?

15 A. No, sir.

16 Q. Did you see any injuries on his person  
17 after -- did you see any bleeding or evidence of  
18 injuries after Mr. Kasper exited his truck?

19 A. Yes, sir.

20 Q. And what injuries did you see?

21 A. The best of my knowledge, he had  
22 abrasions to his face. Photos were taken of the  
23 two probe entries.

24 Q. Okay. Now, when you say he had  
25 abrasions to his face, did you see how those

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1      injuries -- well, what do you mean by abrasions to  
2      his face?

3            A.    I remember he was bleeding from his  
4      face. I couldn't tell you exactly where.

5            Q.    Was that before or after he exited his  
6      truck?

7            A.    That was after he exited his truck.

8            Q.    Okay. Now, these abrasions to his face,  
9      is that -- did you notice that before he was  
10     placed in prone position or after he was placed in  
11     prone position?

12          A.    I didn't notice it until afterwards.

13          Q.    Well, I -- when did you notice it?

14          What -- exactly what point did you notice the  
15     abrasions on Mr. Kasper's face?

16          A.    At the jail.

17          Q.    At the jail?

18          A.    Yes, sir.

19          Q.    So did you go to the jail with Dylan  
20     Anderson?

21          A.    No, sir.

22          Q.    Were you there at the same time  
23     Mr. Anderson was at the jail?

24          A.    I don't --

25                    MR. THAGGARD: Object to form.

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1                   THE WITNESS: I don't recall if he was  
2 there when I went.

3                   Q. (By Mr. Denson) Okay. When did you go  
4 back to the jail and observe Mr. Kasper?

5                   A. After -- it was that same evening before  
6 Mr. Kasper got out. I went and took pictures of  
7 the Taser probe, where the Taser probes hit him.

8                   Q. Okay. So did you -- did you see --  
9 well, strike that.

10                  At the time you took pictures of  
11 Mr. Kasper, did he have a shirt on or off?

12                  A. I believe it was off.

13                  Q. Was the shirt torn?

14                  A. Yes, sir.

15                  Q. And -- the shirt was draped around  
16 his -- draped around the top of his shorts,  
17 correct?

18                  A. I believe so.

19                  Q. What was Mr. Kasper's demeanor at the  
20 jail while you were taking the pictures?

21                  A. Quiet.

22                  Q. Okay. Now, were these pictures taken  
23 immediately after he was booked in or sometime  
24 later?

25                  A. I believe it was later, but I can't tell

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1 you exactly.

2 Q. Do you recall Mr. Kasper ever asking you  
3 about a drug test, requesting a drug test?

4 A. I don't recall Mr. Kasper ever speaking  
5 to me.

6 Q. After this incident -- after you made  
7 your report, were you interviewed by any of your  
8 superior officers?

9 A. No, sir.

10 Q. Did you notice if Mr. Kasper had  
11 bloodshot eyes at the time you were taking  
12 pictures?

13 A. Did I notice?

14 Q. Did you notice bloodshot eyes?

15 A. Not to my knowledge.

16 MR. DENSON: Can we take a break for a  
17 little bit?

18 MR. THAGGARD: Sure.

19 (Brief recess.)

20 Q. (By Mr. Denson) Okay. Lieutenant  
21 Russell, I want to go back to -- to the time where  
22 Mr. Kasper's vehicle was placed in park by -- as  
23 your testimony said, by your hand. Okay. Is it  
24 your testimony that Mr. Kasper did not press his  
25 brakes?

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1           A.    No, sir.

2           Q.    That's not your testimony? You -- at  
3    this time, you can't -- you can't tell the Court  
4    whether Mr. Kasper was pre- -- was pressing his  
5    breaks simultaneously with -- let me start back  
6    over.

7               At this time, you can't tell the Court  
8    whether Mr. Kas- -- Kasper was pressing his brakes  
9    simultaneous with you reaching into his vehicle,  
10   correct?

11          A.    Yes, sir. I cannot testify to that.

12          Q.    And also you can't testify that you  
13    reaching into his vehicle was the reason the  
14    vehicle stopped, correct?

15          A.    That is why it stopped at that time  
16    because I put it in park.

17          Q.    But you didn't -- you weren't looking at  
18    his -- Mr. Kasper's feet?

19          A.    No, sir. I couldn't see his feet.

20          Q.    So you can't say the sole reason  
21    Mr. Kasper's truck stopped was because you  
22    break -- you broke his window and reached into his  
23    window?

24          A.    I can't testify to any breaking. I  
25    don't know that it --

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1 Q. When I say breaking, I mean you busted  
2 his window?

3 A. Right.

4 Q. And did you see Deputy Matuszewski --  
5 Matuszewski at the time?

6 A. At that time?

7 Q. Yes.

8 A. No, sir.

9 Q. What deputies did you see in the  
10 immediate vicinity of Mr. Kasper's car at the time  
11 that you break his window?

12 A. Deputy Stephens and Trooper Moore.

13 Q. And according to your statement, Deputy  
14 Stephens and Trooper Moore were speaking to young  
15 females in a black car?

16 A. Yes, sir.

17 Q. Now, was that black car sitting to the  
18 right side of Pine Springs -- no, Allen Swamp  
19 Road?

20 A. (Nonverbal response.)

21 Q. Was that black car in the middle of the  
22 street?

23 A. It was in the northbound line -- lane of  
24 Pine Springs.

25 Q. So in the -- in the middle of the

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1 street?

2 MR. THAGGARD: Object to form.

3 THE WITNESS: It was in the northbound  
4 lane.

5 Q. (By Mr. Denson) Okay. And do you recall  
6 the black car that the two -- where the two young  
7 females were in, if -- if that car was ever moved as  
8 a result of Mr. Kasper's truck coming through the  
9 intersection, as you say?

10 A. I don't recall.

11 Q. Do you recall hearing two young females  
12 screaming when -- during the time that you were --  
13 you burst Mr. Kasper's driver's side window?

14 A. No, sir.

15 Q. Do you recall seeing two young females  
16 running?

17 A. No, sir.

18 Q. But your testimony is that these two  
19 young females were, according to your statement,  
20 standing beside or standing around Deputy Stephens  
21 and Trooper Moore?

22 A. That is not in my statement, no, sir.  
23 They were in a vehicle, a black car, in the  
24 northbound lane.

25 Q. Okay.

Ruston Russell 6/1/2017

1           A.    One driving, one in the passenger.

2           Q.    Now, were any messages -- text messages  
3    on -- strike that.

4                   On May 24th, 2014, did you communicate  
5    with any of the officers that were at the scene  
6    through text messaging immediately after this  
7    incident?

8           A.    Not to my knowledge.

9           Q.    Has that been done before, where a --  
10   after an incident, you and the officers  
11   communicate by text messaging?

12                MR. THAGGARD: Object to form.

13                THE WITNESS: I don't understand the  
14   question. I -- we communicate by text message on  
15   a regular basis.

16           Q.    (By Mr. Denson) Okay. And when was  
17   Mr. Kasper identified as Glenn Kasper; do you know?

18           A.    I don't know, sir.

19           Q.    Did you -- your testimony has not been  
20   that a license was removed from his person during  
21   the incident, correct?

22           A.    I did not remove one.

23           Q.    When you -- when you opened the door,  
24   did you know him as Glenn Kasper?

25           A.    I never met him before in my life.

Ruston Russell 6/1/2017

1           Q.    So you did not know him as Glenn Kasper  
2   when you opened the door?

3           A.    No, sir.

4           Q.    Did you know him -- did you believe he  
5   was some other Kasper, Mark or Chris?

6           A.    No, sir.

7           Q.    Do you recall any other officers making  
8   reference to Mr. Kasper as one of the regulars?

9           A.    No, sir. I never heard that.

10          Q.    And according to your statement, after  
11   Mr. Kasper's -- Mr. Kasper was handcuffed, he was  
12   actually physically picked up and placed into  
13   Deputy Mathis' vehicle?

14                   Let me have this marked as the next  
15   numbered exhibit.

16          A.    I believe I said when they changed  
17   vehicles. I don't -- I don't know if they carried  
18   him to the first -- the first initial time or not.

19          Q.    The first vehicle was Mathis' vehicle or  
20   Anderson's vehicle?

21          A.    The first vehicle was Mathis' vehicle,  
22   yeah.

23          Q.    Okay.

24          A.    They had to carry him from Mathis' --

25                   MR. THAGGARD: Wait. You got to -- let

Ruston Russell 6/1/2017

1 her finish mark- -- let her mark the exhibit.

2 COURT REPORTER: Okay. It will be 6.

3 (Exhibit 6 marked for identification.)

4 MR. DENSON: Okay. All right. Thank  
5 you.

6 MR. THAGGARD: All right. Now, I  
7 interrupted you, so if you had something else to  
8 say --

9 MR. DENSON: That's okay.

10 MR. THAGGARD: No, no. If I interrupted  
11 you and you have something to say to finish your  
12 sentence, then finish it. If you were done, then  
13 fine --

14 THE WITNESS: Okay.

15 MR. THAGGARD: -- but I stopped you.

16 THE WITNESS: I'm done.

17 Q. (By Mr. Denson) I'm -- I'm going to get  
18 to it anyway. Thank you, Lee.

19 I believe this may be the -- I think  
20 that's an indentation in the second paragraph. One  
21 moment here.

22 MR. THAGGARD: What's the exhibit  
23 number?

24 COURT REPORTER: 7 -- 6. I'm sorry.

25 MR. DENSON: 6.

Ruston Russell 6/1/2017

1 MR. THAGGARD: It's all right.

2 Q. (By Mr. Denson) Okay. Seven lines up on  
3 your statement there, after your counsel gets an  
4 opportunity to review it, I want you to tell me what  
5 that reads.

6 A. Deputies had to physically pick Kasper  
7 up and place him into Deputy Mathis' vehicle.

8 Q. So -- so after they put handcuffs on  
9 him, he went into Mathis' vehicle --

10 A. Yes, sir.

11 Q. -- first?

12 A. Yes, sir.

13 Q. So he didn't walk to his vehicle?

14 A. Correct.

15 Q. And I don't believe you explained in  
16 your statement, but was there any reason that  
17 Mr. Kasper was not allowed to walk to his vehicle?

18 A. I don't recall that he would. I was not  
19 dealing with him at that time.

20 Q. Okay. But you did observe him being  
21 carried --

22 A. Obviously, yes, sir.

23 Q. -- to his vehicle -- to Mathis' vehicle?

24 A. Yes, sir.

25 Q. And since you made that observation, can

Ruston Russell 6/1/2017

1       you -- you say what Mr. Kasper was doing at this  
2       time?

3           A.    Yelling, screaming.

4           Q.    Screaming or yelling?

5           A.    Just more of a scream.

6           Q.    How many officers picked him up to put  
7       him in Mathis' vehicle?

8           A.    Only two dealt with him.

9           Q.    And how did they pick him up?

10          A.    I don't recall.

11          Q.    Let me see that statement again.

12          A.    Yes, sir.

13          Q.    Did you see Mr. Kasper enter Deputy  
14       Mathis' vehicle?

15          A.    No, sir.

16          Q.    What were you doing at this time when  
17       Mr. Kasper was being -- was being physically  
18       picked up and placed into Mathis' vehicle?

19          A.    To the best of my knowledge, I went to  
20       my car to see if I had bandaids and something to  
21       wipe the blood off of my arms.

22          Q.    Okay. After Mr. Kasper was placed in  
23       Deputy Mathis' car, did anyone make an attempt to  
24       identify who he was?

25          A.    They -- I'm sure Mathis or Anderson did.

Ruston Russell 6/1/2017

1 I'm not sure. I did not.

2 Q. Do you know?

3 A. No, sir.

4 Can you mark that as the next numbered  
5 exhibit.

6 COURT REPORTER: That will be 7.

7 (Exhibit 7 marked for identification.)

8 Q. (By Mr. Denson) Okay. And did you call  
9 dispatch that evening for -- to call this arrest in?

10 A. I don't know who called it in, sir.

11 Q. Okay. I want to show you a copy -- or  
12 certified copy of the abstract of a ticket that  
13 you wrote of Mr. Kasper from Justice Court.

14 A. Okay.

15 Q. And that is a -- is that disregarding  
16 traffic device?

17 A. Yes, sir.

18 Q. And that was dismissed, correct,  
19 according to that abstract?

20 A. Yes, sir.

21 Q. And, now, on May 24th, 2014, you  
22 believed that Mr. Kasper violated the law of  
23 disregarding a traffic device, correct?

24 A. Yes, sir.

25 Q. But you later decided to dismiss that

Ruston Russell 6/1/2017

1 charge?

2 A. Yes, sir.

3 Q. What was your reason for deciding to  
4 dismiss this charge?

5 A. He had a persuasive attorney.

6 Q. So his attorney was the reason that you  
7 dismissed that charge?

8 A. Yes, sir. He asked for help.

9 Q. And mark that as the next numbered  
10 exhibit.

11 After your lawyer takes a look at it,  
12 I'm going to show you what's been marked as  
13 Exhibit 8. It's a copy of the official abstract  
14 from Justice Court indicating -- on there it  
15 indicates a ticket of resisting arrest --

16 A. Yes.

17 Q. -- that was written by you, correct?

18 A. That was an affidavit filed by me, yes,  
19 sir.

20 (Exhibit 8 marked for identification.)

21 Q. (By Mr. Denson) An affidavit filed by  
22 you. And that was for the charge of resisting  
23 arrest, correct?

24 A. Yes, sir.

25 Q. And it was dismissed through Justice

Ruston Russell 6/1/2017

1 Court when Mr. Kasper ultimately came to court?

2 A. Against my knowledge, this was done at a  
3 later date. That was not agreed upon between the  
4 County Attorney nor his attorney. I don't know  
5 who dismissed it.

6 Q. Okay. All right. So somehow -- your  
7 position is somehow in the Court it just got  
8 dismissed?

9 A. Yes, sir.

10 Q. Okay.

11 A. Because initially it was a guilty plea  
12 on the resisting arrest.

13 Q. Now, on Exhibit 7, there's a citation  
14 number?

15 A. Yes, sir.

16 Q. And on Exhibit 8, there is no citation  
17 number?

18 A. That was an affidavit.

19 Q. Oh, so that's why we don't have a  
20 citation number?

21 A. Yes, sir. It wasn't done on a citation.

22 (Sotto voce discussion between Mr.  
23 Kasper and Mr. Denson.)

24 MR. DENSON: Okay. Let me take a short  
25 break. I can't -- I can't whisper, not well

Ruston Russell 6/1/2017

1 anyway.

2 (Brief recess.)

3 Q. (By Mr. Denson) The affidavit on the  
4 resisting arrest, did you -- do you keep a copy of  
5 affidavits that you -- that you file?

6 A. No, sir.

7 Q. So to be clear, you wouldn't have a copy  
8 of the affidavit that was for the resisting arrest  
9 that occurred on 5/24/2014?

10 A. No, sir.

11 MR. DENSON: Okay. All right. I tender  
12 the witness.

13 MR. THAGGARD: I don't have any  
14 questions.

15 MR. DENSON: All right.

16 MR. THAGGARD: Read and sign.

17 COURT REPORTER: So you're ordering a  
18 copy then?

19 MR. THAGGARD: Oh, yes.

20 (The witness was excused.)

21 (Time Noted: 5:28 p.m.)

22

23 ORIGINAL: JOSEPH A. DENSON, Esquire

24 COPY: LEE THAGGARD, Esquire

25

Ruston Russell 6/1/2017

## 1 CERTIFICATE OF DEPONENT

2 DEPONENT: RUSTON RUSSELL

3 DATE: JUNE 1, 2017

3 CASE STYLE: GLENN KASPER vs. THE BOARD OF  
SUPVISORS OF LAUDERDALE COUNTY, MS, ET AL

4 ORIGINAL TO: JOSEPH A. DENSON, Esquire

5 I, the above-named deponent in the  
deposition taken in the herein styled and numbered  
cause, certify that I have examined the deposition  
taken on the date above as to the correctness  
thereof, and that after reading said pages, I find  
them to contain a full and true transcript of the  
testimony as given by me.8 Subject to those corrections listed  
below, if any, I find the transcript to be the  
9 correct testimony I gave at the aforestated time  
and place.

10 Page Line Comments

11	_____	_____
12	_____	_____
13	_____	_____
14	_____	_____
15	_____	_____
16	_____	_____
17	_____	_____

18 This the \_\_\_\_\_ day of \_\_\_\_\_, 2017.

19 \_\_\_\_\_

RUSTON RUSSELL

20 State of Mississippi

County of \_\_\_\_\_

21

Subscribed and sworn to before me, this the  
\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

23 My Commission Expires: \_\_\_\_\_

24

Notary Public

25

Ruston Russell 6/1/2017

1 CERTIFICATE OF COURT REPORTER

2 I, Nikki L. Lloyd, Court Reporter and  
3 Notary Public, in and for the State of  
4 Mississippi, hereby certify that the foregoing  
5 contains a true and correct transcript of the  
6 testimony of RUSTON RUSSELL, as taken by me in the  
7 aforementioned matter at the time and place  
8 heretofore stated, as taken by stenotype and later  
9 reduced to typewritten form under my supervision  
10 by means of computer-aided transcription.

11 I further certify that under the  
12 authority vested in me by the State of Mississippi  
13 that the witness was placed under oath by me to  
14 truthfully answer all questions in the matter.

15 I further certify that, to the best of  
16 my knowledge, I am not in the employ of or related  
17 to any party in this matter and have no interest,  
18 monetary or otherwise, in the final outcome of  
19 this matter.

20 Witness my signature and seal this the  
21 13th day of June, 2017.

22

23

24

  
NIKKI L. LLOYD, CCR #1870

25 My Commission Expires:

Lauderdale County Sheriff's Department  
Law Enforcement  
Policies and Procedures

Subject: Roadside Safety Checkpoints	Policy Number: 4.03
Issue Date: July 26, 2002	Revision Date: March 21, 2007
<b>Approval Authority</b>	
Title and Signature: <i>Sheriff William D. "Billy" Soffie</i>	

**POLICY:**

It is the policy of the Lauderdale County Sheriff's Department to help ensure public safety by attempting to ensure that all drivers are properly licensed and all vehicles appear to be in good working order and are equipped with lawfully mandated safety features. The department recognized the value of roadside safety checkpoints to identify vehicles and/or drivers illegally traversing the roads of the county. To this end, the following guidelines have been established to govern the use of such checkpoints.

**DEFINITION:**

For the purposes of this policy, the following terminology will apply:

Checkpoint - A brief stop of the traffic for the purpose of uniformly checking for violations of law pertaining to validity of the driver's operators license, validity of the vehicle's license, occupant restraints, and working safety equipment (headlights, taillights, brake lights, turn signals, etc.)

Department – The Lauderdale County Sheriff's Department

Officer – Any sworn officer or deputy sheriff of the Lauderdale County Sheriff's Department

Sheriff – Sheriff of Lauderdale County

Chief Deputy – Chief Deputy as appointed by the Sheriff of Lauderdale County.

Ranking officer – Deputy Sheriff of the department with rank of sergeant or above.

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**Law Enforcement Policies and Procedures, 4.03 Roadside Safety Checkpoints**

**SITE SELECTION AND SUPERVISION:**

The location, dates, and times of the checkpoints shall be determined by ranking officers of the department. The safety of officers, safety of the public, history of motor vehicle collisions in the area, and minimum disruption of traffic will be the primary factors considered when choosing a site of a checkpoint. Once the checkpoint is properly authorized, the ranking officer shall be responsible for the direction and control of the checkpoint. The ranking officer may temporarily delegate this responsibility to a subordinate if the ranking officer is briefly unavailable.

**EXAMINATION PROCEDURES:**

The checkpoint will operate with the officers temporarily stopping each pre-authorized vehicle which travels through the checkpoint. The driver of each vehicle will be briefly observed to determine:

1. Initial Observations
  - a) Driver's license (status)
  - b) Vehicle license (status)
  - c) Use of occupant restraints
  - d) Motor vehicle safety equipment
  - e) Proof of insurance subsequent to any other traffic offense
2. Secondary Observations
  - a) Motor vehicle operation violations
  - b) Signs of driver impairment
  - c) Criminal activity

Every effort will be made by the officers manning the checkpoint to keep the length of each vehicle stop as brief as possible. Any driver found in violation of any traffic law may be cited or arrested in compliance with applicable law.

This does not preclude any arrest based on probable cause of any other criminal law violation that the officer may discover.

**CHECKPOINT AVOIDANCE:**

It is probable that some drivers operating a vehicle illegally will notice the checkpoint in advance and attempt to avoid traveling through it. If officer availability permits, a patrol

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#### Law Enforcement Policies and Procedures, 4.03 Roadside Safety Checkpoints

vehicle may be stationed near the checkpoint for the purpose of stopping vehicles which are obviously attempting to avoid traveling through it. Drivers of vehicles stopped subsequent to this shall be observed and/or examined according to the examination procedure listed above.

#### ENVIRONMENTAL CONSIDERATIONS:

Checkpoints will be conducted during day and night hours. When conducted at night, each officer present will be equipped with a flashlight and traffic safety vest. Marked units present will activate their emergency lighting, taking care not to blind other drivers.

Checkpoints will not be conducted in inclement weather, including but not limited to rain, ice, snow, fog.

Checkpoints will not be conducted if the surface of the roadway is determined to be unsafe due to precipitation.

Checkpoints will not be conducted in areas where visibility is limited, including but not limited to curves and valleys.

#### REPORTS:

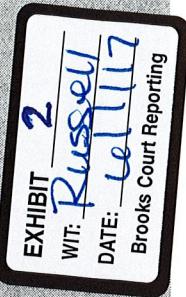
The ranking officer of the checkpoint shall report the results on written forms approved by the Sheriff for such purpose. This shall include the total number of vehicles traveling through the checkpoint, the selection of vehicle stopped, the number and type of citations issued.

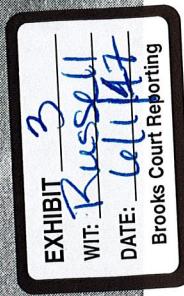
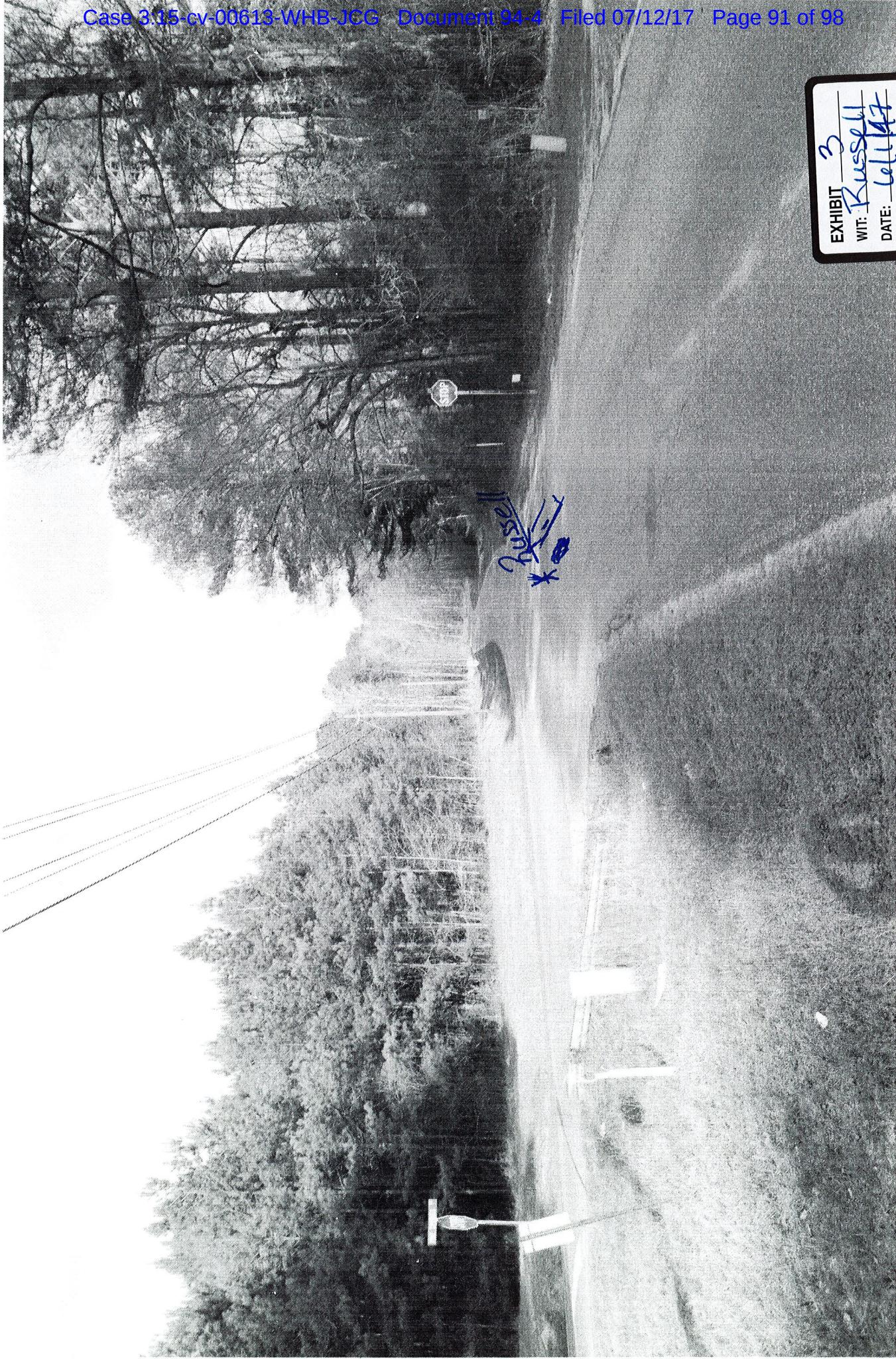
#### ROADSIDE SAFETY CHECKPOINTS:

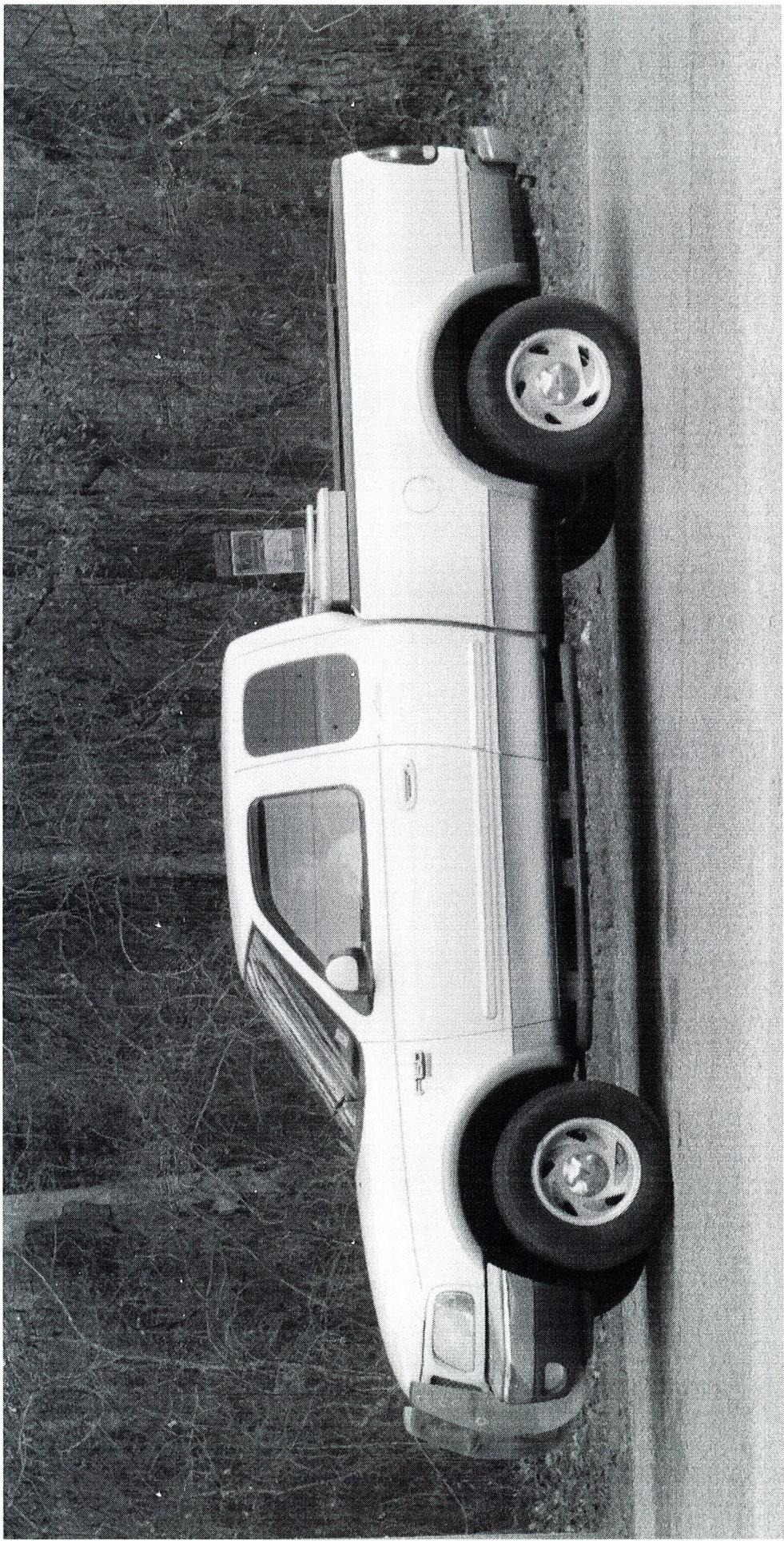
This policy shall in no way be confused with roadside sobriety checkpoints, which are totally different. The guidelines for conducting roadside sobriety checkpoints are covered in policy 4.02 of this manual.

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**LAUDERDALE COUNTY DETENTION FACILITY**  
**RESPONSE TO RESISTANCE REPORT**

DATE: 5/8/14 TIME: 1949 LOCATION: Alles Signs / Pine Springs RoadDEPUTY/OFFICER'S NAME: G. Russell Russell CASE #: 2014-072587

ON SCENE/NOTIFIED SUPERVISOR(S): \_\_\_\_\_

NUMBER & NAMES OF OTHER DEPUTIES/OFFICERS PRESENT: Deputy Moore 4-24, Deputy Mathis 4-15, Deputy Anderson 4-27, Deputy Stevens 4-18, Deputy Thomas 4-19, Deputy MatthewsANY OTHER DEPUTIES/OFFICERS USE FORCE: Y/N IF YES, ADDITIONAL FORMS ATTACHED: Y/NANY DEPUTIES/OFFICERS INJURED: Y/N IF YES, NAME(S): G. Russell RussellDESCRIBE INJURIES TO DEPUTY/OFFICER: Small cuts on right armDEPUTY/OFFICER TREATED BY: FIRE DEPT \_\_\_\_\_ AMBULANCE  HOSPITAL \_\_\_\_\_  
ATTENDING PHYSICIAN \_\_\_\_\_ JAIL MEDICAL STAFF \_\_\_\_\_NATURE OF INCIDENT: 10-55 10-55

INCIDENT TYPE/REASON FOR USE OF FORCE (circle appropriate responses below):

Hostage Taker  Suicidal  Violent/Combative Offender  Barricaded  Resistive  Restraint (for Offender's safety)  Accidental  Other

AT THE TIME OF THE INCIDENT, THE SUBJECT WAS (check appropriate responses below):

 Under the influence of alcohol/illegal drugs/prescription drugs  Mentally impaired  Other: \_\_\_\_\_CHARGES FILED AGAINST OFFENDER: Disorderly Conduct, Dist. Resisting Arrest  
Disorderly Conduct X5 SUSPECT BOOKED: Y/N**OFFENDER INFORMATION**NAME: Glen Dell Kasper ADDRESS: 8990 Massay Est DrPHONE NUMBER: \_\_\_\_\_ SSN: 12696 DATE OF BIRTH: 6/8SEX: M HEIGHT: 5'5" WEIGHT: 130 RACE: 6 DISABILITY(S): \_\_\_\_\_DESCRIBE OFFENDER CLOTHING (heavy, light, thin, loose etc.): lightANY INJURIES TO OFFENDER PRIOR TO USE OF FORCE: Y/NANY INJURIES AFTER USE OF FORCE: Y/NOFFENDER TREATED BY: FIRE DEPT u/a AMBULANCE u/a HOSPITAL u/aATTENDING PHYSICIAN u/a JAIL MEDICAL STAFF u/aTRANSPORTED BY: AMBULANCE  SHERIFF'S DEPT OTHER ADMITTED Y/NOTHER OFFENDERS/WITNESSES ON SCENE: Y/N

OFFENDERS/WITNESS (circle one) NAME: \_\_\_\_\_ PHONE #: \_\_\_\_\_

OFFENDERS/WITNESS (circle one) NAME: \_\_\_\_\_ PHONE #: \_\_\_\_\_



**LAUDERDALE COUNTY DETENTION FACILITY**  
**RESPONSE TO RESISTANCE REPORT**

LEVELS OF RESISTANCE and CORRESPONDING LEVELS OF CONTROL/FORCE (check all that apply)

LEVEL 1 COMPLIANT: \_\_\_\_\_  
 COOPERATIVE CONTROLS: \_\_\_\_\_

LEVEL 2 PASSIVELY RESISTANT: \_\_\_\_\_  
 CONTACT CONTROLS: \_\_\_\_\_

LEVEL 3 ACTIVELY RESISTANT: refused To exit his vehicle  
 COMPLIANCE (chemical, takedown, laser etc.): TASER

LEVEL 4 ASSAULTIVE (bodily harm): \_\_\_\_\_  
 DEFENSIVE TACTICS (impact weapon, closed hand etc.): \_\_\_\_\_

LEVEL 5 ASSAULTIVE (serious threat of bodily harm or death): \_\_\_\_\_  
 DEADLY FORCE: \_\_\_\_\_

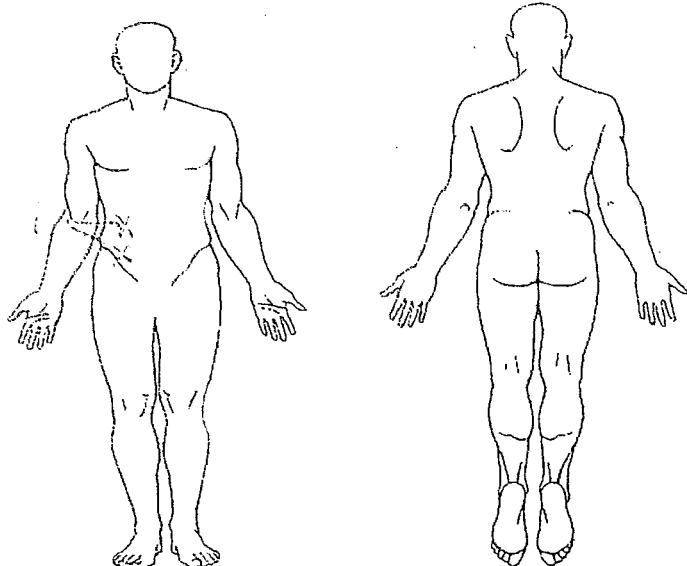
APPLICATION AREAS

Place a number in the location of the application of force on the diagram to the left.

Using the numbered area below, describe the type of force corresponding with the number on the diagram.

Example: 1. TASER Probe

1. TASER Probe
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_



POST-INCIDENT OBSERVATION

IMMEDIATELY FOLLOWING INCIDENT: Hysterical

15 MINUTES FOLLOWING INCIDENT: Hysterical

30 MINUTES FOLLOWING INCIDENT: Hysterical

NARRATIVE/INCIDENT REPORT ATTACHED

SUPPLEMENTAL TASER/CHEMICAL SPRAY FORM ATTACHED

PHOTOGRAPHS TAKEN BY: Deputy Anderson

PHOTOGRAPHS ATTACHED

REPORTING DEPUTY/OFFICER SIGNATURE

DATE 5/25/14

SUPERVISOR SIGNATURE

DATE 02 OCT 14

DIVISION COMMANDER SIGNATURE

DATE 02 OCT 14

CHIEF DEPUTY'S SIGNATURE

DATE 10/2/14

SHERIFF'S SIGNATURE

DATE 11/27/15

**LAUDERDALE COUNTY DETENTION FACILITY**  
**RESPONSE TO RESISTANCE REPORT**

**Taser/Chemical Spray Supplemental Form**

DEPUTY/OFFICER NAME: Ronald F. SasseCASE # 2014007567**TASER SECTION** (complete if applicable)TASER SERIAL NUMBER: K20-5762874AIR CARTRIDGE TYPE(S) USED  15-ft XP  25-ft XP  35-ft XP  Other \_\_\_\_\_AIR CARTRIDGE SERIAL NUMBER(S): H26-241993NUMBER OF AIR CARTRIDGES FIRED: 1 NUMBER OF CYCLES APPLIED (non drive-stun): 1USAGE (check one):  Arc Display Only  Laser Display Only  Drive Stun Only  Taser Air-Cartridge ApplicationAPPROXIMATE TARGET DISTANCE AT TIME OF DART LAUNCH: 3 feet NEED FOR ADDITIONAL CARTRIDGE? NDISTANCE BETWEEN THE TWO PROBES: 4 inches DID DART CONTACTS PENETRATE THE SUBJECT'S SKIN? NIF AIR CARTRIDGE DEPLOYMENT WAS UNSUCCESSFUL WAS A DRIVE-STUN FOLLOW-UP USED? YDID THE DEVICE RESPOND SATISFACTORILY? YWERE PROBES REMOVED ON SCENE? Y IF YES, REMOVED BY: \_\_\_\_\_DID TASER APPLICATION CAUSE INJURY? Y IF YES, NOTE INJURY IN APPROPRIATE SECTION OF USE OF FORCE REPORTWAS TASER USE (circle one) SUCCESS / FAILURE IF FAILURE, WHY? \_\_\_\_\_**CHEMICAL SPRAY SECTION** (complete if applicable)

NUMBER OF TIMES SUBJECT WAS SPRAYED: \_\_\_\_\_

APPROXIMATE DISTANCE FROM SUBJECT: \_\_\_\_\_

WAS SPRAY EFFECTIVE? Y / NWAS SUBJECT DYE TESTED? Y / N

OBSERVED EFFECTS ON:

EYES:  Closure  Tears  No EffectSKIN:  Redness  Burning No EffectNOSE:  Discharge  Irritation  No EffectCHEST:  Coughing  Labored Breathing  No EffectREPORTING DEPUTY/OFFICER SIGNATURE: Ronald F. SasseDATE 5/25/14SUPERVISOR SIGNATURE: Ronald F. SasseDATE 02 OCT 14DIVISION COMMANDER SIGNATURE: Ronald F. SasseDATE 02 OCT 14CHIEF DEPUTY'S SIGNATURE: Billy SasseDATE 10/4/14SHERIFF'S SIGNATURE: Billy SasseDATE 12/7/15

## LAUDERDALE SHERIFF'S DEPT.

PRINT DATE: 05/25/2014

NUMBER: 2014007567

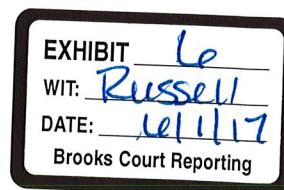
Page 4

Agency: LCSD  
Incident No: 2014007567Author: RUSSELL, RUSTON L-6  
Title: LT. RUSSELL'S STATEMENT  
Date Entered: 5/25/2014

Report Type: I

On 05/24/2014 I, Lt. Russell, was working a road side safety checkpoint at the intersection of Allen Swamp Road and Pine Springs Road. I was standing on Allen Swamp Road when a white Ford pickup approached the intersection east bound. The vehicle drove past me and I yelled for the driver to stop. The driver stated "you are trying to stop me illegally" as he was rolling his window up. The vehicle continuing to roll forward toward the intersection. The driver turned completely sideways in the vehicle and was facing me through the driver window. He yelled "what do you want" through the closed window and I replied that I wanted him to stop the vehicle and he replied "you can't get me". The vehicle then lunged forward. (When the vehicle lunged forward, Trooper Moore and Deputy Stevens were standing in Pine Springs Road directly in front of the vehicle speaking to two young females in a black car.) As the vehicle lunged into the intersection I struck the driver window with my right forearm, shattering the window. I immediately leaned into the window of the vehicle and placed the vehicle into park. I then opened the door from the inside handle. As this took place the driver, who was later identified as Glenn Kasper, was screaming hysterically. Deputy Mathis and Deputy Anderson entered the doorway to remove Kasper from the vehicle. Kasper was fighting to keep Deputy Mathis from releasing the seatbelt. After the seatbelt was unbuckled, Kasper grabbed the center console. He then held onto the driver seat then the steering wheel to keep from being removed from the vehicle. I then deployed the taser striking Kasper in the abdomen. He released everything and was removed from the vehicle. Kasper continued yelling hysterically. Once he was placed on the ground Kasper continued fighting with Deputies. I cycled the taser again to assist the deputies in getting him cuffed. During the struggle one of the taser probes had fallen out so there was no effect on Kasper after he was removed from the vehicle. Deputies had to physically pick Kasper up and placed him into Deputy Mathis' vehicle.

Deputy Mathis attempted to remove Kasper from his vehicle and place him in Deputy Anderson's vehicle for transport to the Lauderdale County Jail. Kasper would not get out of the vehicle. Kasper was yelling and pulling away. I then entered the rear of the vehicle from the opposite side and deployed a drive stun to Kasper. Kasper then exited the vehicle and began fighting with Deputy Mathis and Deputy Anderson. He was eventual subdued and placed in Deputy Anderson's vehicle and transported to the jail.



STATE OF MISSISSIPPI  
 ABSTRACT OF COURT RECORD  
 LAUDERDALE COUNTY JUSTICE COURT  
 MERIDIAN, MS 39301  
 (601) 482-9879

COUNTY: LAUDERDALE

AGENCY CODE: 0038

DEFENDANT

DRIVERS LICENSE NUMBER: [REDACTED] 674  
 NAME: KASPER GLENN DELL  
 ADDRESS: 8990 MASSEY ESTATES DRI

STATE: MS DOB: [REDACTED] /1963  
 RACE: W SEX: M

MERIDIAN MS 39305

## VEHICLE INFORMATION

REGISTRATION (TAG) NO: LB5 121 STATE: MS YEAR: 2001  
 VEHICLE MODEL YEAR: MAKE: FORD TYPE: P/T

## VIOLATION

CHARGED WITH: DISREGARD OF TRAFFIC DEVICE

% BAC: 00000  
 SPEED: ZONE:

DATE OF VIOLATION: 05/24/2014 COURT DATE: 01/13/2015 HWY/OR STREET:  
 CHARGES WERE FILED BY: RUSSELL RUSTON BADGE NO: L006

DEFENDANT ENTERED A PLEA OF:  
 DEFENDANT WAS FOUND: DISMISSED  
 Judgement of Court: DISMISSED

BY JUDGE: DARRELL THEALL

REMARKS BY COURT:

DEFENDANT WAS FINED \$

PLUS ASSESSMENTS OF \$

SENTENCED TO: \_\_\_\_\_

BAIL FORFEITED ( )  
 FINE PAID ( )

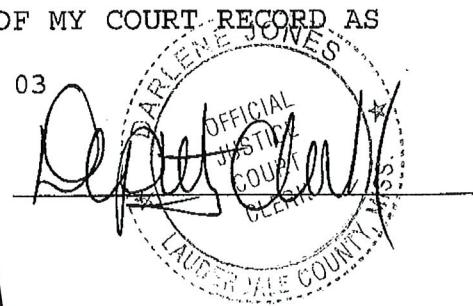
APPEALED ( )  
 TIME SERVED ( )

I CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF MY COURT RECORD AS

RECORDED IN DOCKET: 2014 PAGE: 6576

SIGNED: Darrell Theall

TITLE: \_\_\_\_\_



STATE OF MISSISSIPPI  
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 LAUDERDALE COUNTY JUSTICE COURT  
 MERIDIAN, MS 39301  
 (601) 482-9879

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DEFENDANT

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STATE: MS DOB: [REDACTED]/1963  
 RACE: W SEX: M

MERIDIAN MS 39305

## VEHICLE INFORMATION

REGISTRATION (TAG) NO: LB5 121 STATE: MS YEAR: 2001  
 VEHICLE MODEL YEAR: MAKE: FORD TYPE: P/T

## VIOLATION

CHARGED WITH: RESISTING ARREST

% BAC: 00000  
 SPEED: ZONE:

DATE OF VIOLATION: 05/24/2014 COURT DATE: 01/13/2015 HWY/OR STREET:  
 CHARGES WERE FILED BY: RUSSELL RUSTON BADGE NO: L006

DEFENDANT ENTERED A PLEA OF:  
 DEFENDANT WAS FOUND: DISMISSED  
 Judgement of Court: DISMISSED

BY JUDGE: DARRELL THEALL  
 REMARKS BY COURT: #2014050116

DEFENDANT WAS FINED \$

PLUS ASSESSMENTS OF \$

SENTENCED TO: \_\_\_\_\_

BAIL FORFEITED ( )  
FINE PAID ( )APPEALED ( )  
TIME SERVED ( )

I CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF MY COURT RECORD AS

RECORDED IN DOCKET: 2014 PAGE: 6582

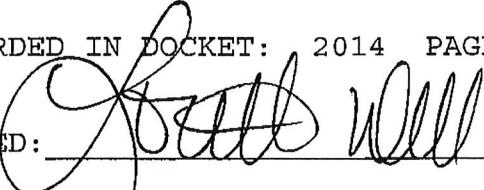
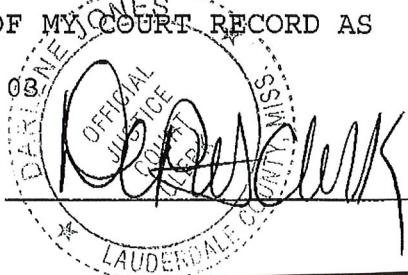
SIGNED: TITLE: 

EXHIBIT 8  
 WIT: Russell  
 DATE: 1/11/17  
 Brooks Court Reporting